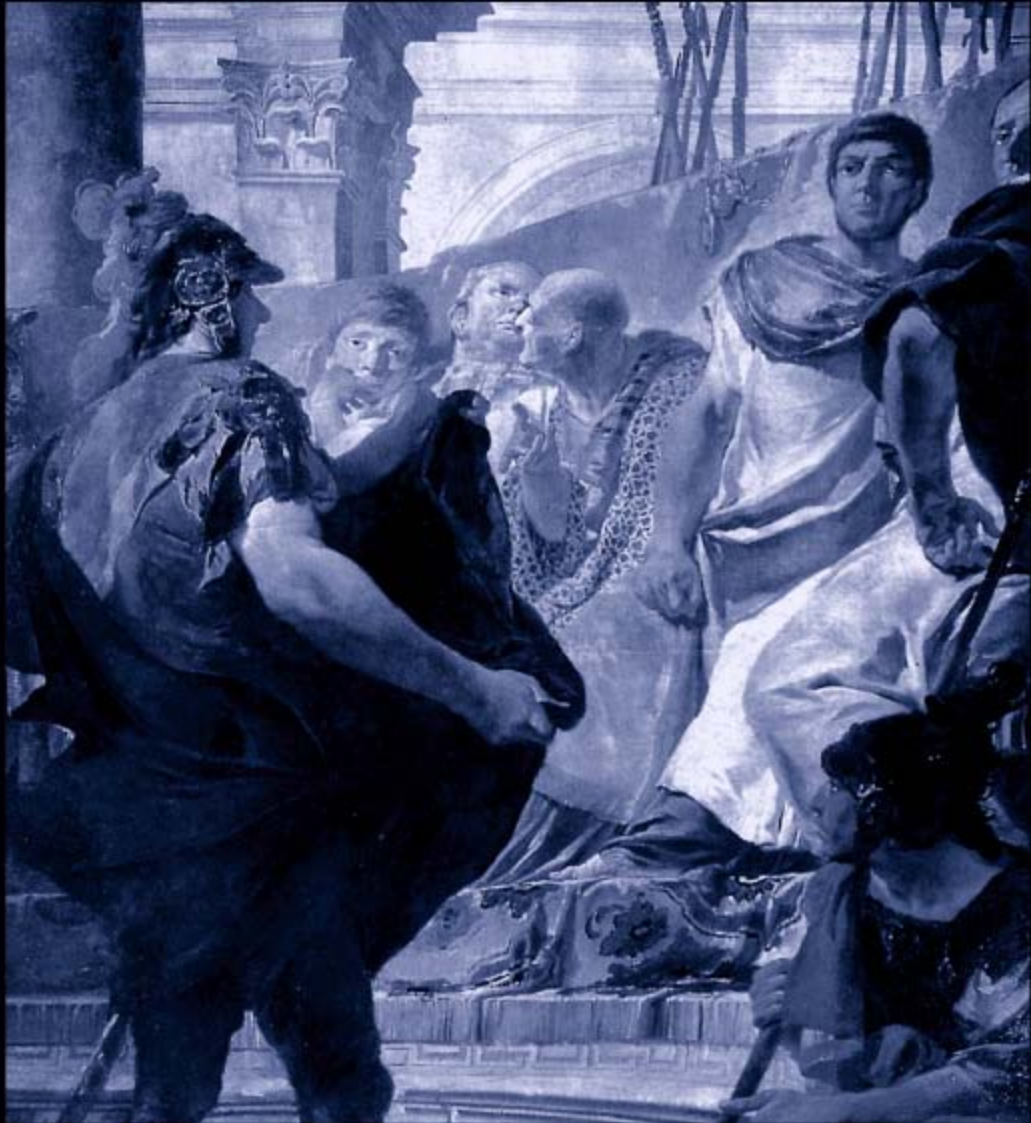




IMPERIAL INQUISITIONS

PROSECUTORS AND INFORMANTS FROM TIBERIUS TO DOMITIAN

STEVEN H. RUTLEDGE

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Prosecutors and informants from
Tiberius to Domitian

Steven H. Rutledge



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FOR MY WIFE,
LORI,
AND FOR MY PARENTS,
FRED AND JANET RUTLEDGE

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PREFACE AND ACKNOWLEDGEMENTS

In the year AD 16 M. Scribonius Libo Drusus, a young man closely connected to the imperial family and recently promoted to the office of praetor by Tiberius, took his own life. He had been accused of, among other things, necromancy – always a very serious legal offense during the Principate. There was never any telling, after all, what mischief could occur when spirits were summoned from the dead. So it has been with this work. There was no way of knowing, when I first commenced research on this project, where the end might lead. *Delatores*: their name is a seemingly indelible stain, after all, on the annals of imperial Rome, one that summons up lurid images of secrecy, repression, and betrayal. But impression rarely has a very harmonious relationship with reality, and it is that reality that this book seeks to excavate. When I first started this project in the fall of 1997, I thought that I was destined to enter a Hobbesian and sinister universe – the Roman Empire’s own brand of the Gestapo, à la the first century AD. Yet as I proceeded in my research a very different picture of *delatores* and their activities emerged. Rather than simply accepting our sources as honest representatives of the first century AD and understanding *delatores* purely as instruments of repression, should they not be comprehended in larger terms? Ought they not to be set in their deeper cultural and historical context? The approach subsequently led me to a more sympathetic and generous assessment of these characters than scholars have hitherto been willing to give them. While I never intended to write a revisionist history, the sources led me to produce something approximate to one in the final analysis. In the end, the dead had worked their mischief once again.

It would not be easy to thank all of those who helped to make this work possible: all of my colleagues in the Department of Classics at the University of Maryland are owed a great debt of gratitude for their patience and encouragement, particularly Professors Judith Hallett and Gregory Staley. Professors Arthur Eckstein and Kurt Raaflaub had invaluable insights in the beginning stages of this project on how to approach the work, and Mr William Carey, Esq., a good friend and excellent student, offered a lawyer’s insights on the Roman legal profession. I would also like to thank Professors Ronald Mellor, John Bodel, and Victoria Pagan for their advice and encouragement in the course of

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this work, and Professor Hayim Lapin for his excellent assistance in areas pertaining to my use of material from the New Testament. It was my deep good fortune to have, as well, a very close friend, Professor Bob Wagoner at Juniata College (Pennsylvania), whose humanity and experience helped me to persevere as I worked on this project. Thanks are owed to Professor Thomas Wiedemann, in particular, for his invaluable suggestions and comments on the entire work. Professors Roland Mayer, Patrick Sinclair, and Kathleen Coleman are also owed thanks for their support in the initial inquiries concerning the undertaking of this study. In addition, the staff at the Center for Hellenic Studies in Washington, D.C. have been most supportive by generously allowing the use of their research facilities. The Graduate Research Board at the University of Maryland is owed a deep debt of thanks for their support and assistance which allowed me to take the time necessary to complete this work. In addition, I would like to thank the editors at Routledge, in particular Richard Stoneman for his assistance and advice throughout all stages of this work and for his help in the initial stages of its publication as well. I am also grateful to Ms Catherine Bousfield, editorial assistant at Routledge, for her time and help in the final editing stages of this book. Above all I would like to thank my wife Lori, whose support, patience, and encouragement saw this work through from its inception to its completion, and without whom it would never have seen the light of day.

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ABBREVIATIONS

The following is a list of abbreviations used throughout this study and in the bibliography. Abbreviations for journals are in accordance with those found in *L'Année Philologique*; abbreviations for ancient works follow those found in the *Oxford Latin Dictionary*, the *Liddell and Scott Greek-English Lexicon*, or the *Oxford Classical Dictionary* unless noted otherwise. Citations for AE and SEG give the year followed by the entry number for the inscription in the given volume.

AC	<i>Acta Classica. Proceedings of the Classical Association of South Africa</i>
AE	<i>L'Année épigraphique</i>
AHB	<i>Ancient History Bulletin</i>
AHR	<i>American Historical Review</i>
AJAH	<i>American Journal of Ancient History</i>
AJP	<i>American Journal of Philology</i>
AncSoc	<i>Ancient Society</i>
ANRW	H. Temporini and W. Haase (eds), <i>Austief und Niedergang der römischen Welt. Geschichte und Kultur Roms im Spiegel der neueren Forschung</i> (Berlin and New York, 1972–)
Aq.	Frontinus, <i>de Aquis Urbis Romae</i>
Ath. Mitt.	<i>Athenische Mitteilungen</i>
BAGB	<i>Bulletin de l'Association Guillaume Budé</i>
BASP	<i>Bulletin of the American Society of Papyrologists</i>
BC	Appian, <i>Bellum Civile</i>
BIDR	<i>Bulletino dell' Istituto di Diritto Romano</i>
Caes.	Sex. Aurelius Victor, <i>de Caesaribus</i>
CAH	<i>Cambridge Ancient History</i>
CB	<i>Classical Bulletin</i>
CIA	W. Dittenberger, A. Kirchhoff, J. Kirchner, and U. Koehler, <i>Corpus Inscriptionum Atticarum</i> (Berlin, 1873–95)
CIG	A. Boeckh, <i>Corpus Inscriptionum Graecarum</i> (Berlin, 1828–77)

ABBREVIATIONS

CIL	T. Mommsen et al., <i>Corpus Inscriptionum Latinarum</i> (Berlin, 1863–)
CJ	<i>Classical Journal</i>
CodJ	<i>Codex Justinianus</i>
CP	<i>Classical Philology</i>
CQ	<i>Classical Quarterly</i>
CRAI	<i>Comptes rendus de l'Académie des inscriptions et belles lettres</i>
CSCA	<i>California Studies in Classical Antiquity</i>
CTh	<i>Codex Theodosianus</i>
CW	<i>Classical World</i>
Dig.	<i>Digesta Justiniana</i>
EA	<i>Epigraphica Anatolica</i>
EMC	<i>Études du Monde Classique</i>
Epit.	<i>Libellus de vita et moribus imperatorum brevius ex libris Sexti Aurelii Victoris</i>
FIRA	S. Riccobono et al., <i>Fontes Iuris Romani Anteiustiniani</i> (2nd edn, Florence, 1940–3)
Flac.	Philo, in <i>Flaccum</i>
G&R	<i>Greece and Rome</i>
HA	<i>Scriptores Historiae Augustae</i>
HRR	H. Peter, <i>Historicorum Romanorum Reliquae</i>
HSCP	<i>Harvard Studies in Classical Philology</i>
IG	A. Kirchhoff et al., <i>Inscriptiones Graecae</i> (Berlin, 1875–)
IGRR	R. Cagnat et al., <i>Inscriptiones Graecae ad res Romanas pertinentes</i> (Paris, 1901–27)
ILS	H. Dessau, <i>Inscriptiones Latinae Selectae</i> (3 vols, Berlin, 1892–1916)
Inst.	Gaius, <i>Institutiones</i>
IRT	J. M. Reynolds and J. B. Ward-Perkins, <i>The Inscriptions of Roman Tripolitania</i> (Rome, 1952)
JRS	<i>Journal of Roman Studies</i>
Just. Inst.	Justinian, <i>Institutiones</i>
LCM	<i>Liverpool Classical Monthly</i>
Leg.	Philo, <i>Legatio ad Gaium</i>
M	Tacitus, <i>Annales</i> manuscript edition, <i>codex Mediceus primus</i>
MAAR	<i>Memoirs of the American Academy in Rome</i>
ML	R. Meiggs and D. Lewis, <i>A Selection of Greek Historical Inscriptions to the End of the Fifth Century B.C.</i> (Oxford, 1962)
MRR	<i>Magistrates of the Roman Republic</i>
NTS	<i>New Testament Studies</i>
OCD	<i>Oxford Classical Dictionary</i>
OGIS	W. Dittenberger, <i>Orientis Graeci Inscriptiones Selectae</i> (4 vols, Leipzig, 1903–5)
OLD	<i>Oxford Latin Dictionary</i>

ABBREVIATIONS

ORF	H. Malcovati, <i>Oratorum Romanorum fragmenta</i> (3rd edn, Turin, 1967)
PBSR	<i>Papers of the British School at Rome</i>
PCPS	<i>Proceedings of the Cambridge Philological Society</i>
Per.	Livy, <i>Periochae</i>
PIR	E. Klebs et al., <i>Prosopographia Imperii Romani</i> (Berlin 1897–8; 2nd edn 1933–)
PP	<i>La Parola del Passato</i>
P&P	<i>Past and Present</i>
pr.	<i>praefatio</i> , or preface
q.v.	<i>quem vide</i> “whom see”; used for cross-referencing in the individual <i>vitae</i> to direct readers to other pertinent <i>vitae</i> or information in the prosopographical survey
RBPh	<i>Revue belge de philologie et d'histoire</i>
RE	A. F. von Pauly et al., <i>Real-Encyclopädie der klassischen Altertumswissenschaft</i> (Stuttgart 1894–)
REA	<i>Revue des études anciennes</i>
RHDFE	<i>Revue historique de droit français et étranger</i>
Rhet. Lat. Min.	<i>Rhetorici Latini Minores</i> , ed. Halm
RhM	<i>Rheinisches-Museum für Philologie</i>
RIDA	<i>Revue internationale des droits de l'antiquité</i>
RRC	M. H. Crawford, <i>Roman Republican Coinage</i> (Cambridge, 1976)
RSA	<i>Rivista storica dell' antichità</i>
SC	<i>senatus consultum</i> , a decree of the senate
SEG	<i>Supplementum Epigraphicum Graecum</i>
Sent.	Paulus, <i>Sententiae</i>
SO	<i>Symbolae Osloenses</i>
StClasice	<i>Studii Clasice</i>
SZ (also ZRG)	<i>Zeitschrift der Savigny-Stiftung für Rechtsgeschichte</i>
TAPA	<i>Transactions of the American Philological Association</i>
VA	Philostratus, <i>Vita of Apollonius of Tyana</i>
Vir. Ill.	<i>de Viris Illustribus</i>
WS	<i>Wiener Studien</i>
YCS	<i>Yale Classical Studies</i>
ZPE	<i>Zeitschrift für Papyrologie und Epigraphik</i>

Part I

INTRODUCTION

And when they had bound him, they led him away, and delivered him to Pontius Pilate the governor. Then Judas, which had betrayed him, when he saw that he was condemned, repented himself, and brought again the thirty pieces of silver to the chief priests and elders, saying, I have sinned in that I have betrayed the innocent blood. And they said, What is that to us? see thou to that. And he cast down the pieces of silver in the temple, and departed, and went and hanged himself.

(Matthew 27.2–5)

One would be hard pressed to find a better or more significant example of an informant under the Roman Empire than Judas Iscariot. By denouncing Jesus before the local authorities in Jerusalem, Judas unwittingly planted a seed that was fundamentally to change western society. Yet Judas was only part of a much larger phenomenon, for it was during Tiberius' reign (AD 14–37), according to our sources, that informants and accusers – *delatores* and *accusatores* – began to ply their trade as they viciously attacked those suspected of disloyalty towards their emperor. If Roman authors portray the Early Principate as the establishment of the repressive rule of one man, then *delatores* were the instruments through which Rome and the emperors actively implemented that suppression. The primary aim of the present study is to examine the function and role of *delatores* and *accusatores* under the Early Principate from Tiberius to Domitian. Our sources depict them as a phenomenon unique to the Early Principate, an important part of the terror and despotism Tiberius, Gaius, Claudius, Nero, and Domitian imposed. Yet scholars, with few exceptions, have neglected to undertake any closer examination of this phenomenon, and no work, to date, has subjected the oft-distorted picture our sources draw of *delatores* and *accusatores* to a close and general scrutiny. Nor have they thought to place them in their larger historical, social, and political context.

The central premise of this study is that *delatores* and *accusatores* are reflective of enduring cultural and political values in Roman society; often their actions and motives would have been perfectly understood by Cicero and his republican counterparts. What had changed was the political and legal structure

under which prosecutors worked: the shift to an autocratic form of government, new laws, the makeup of the courts, these were the new structures under which prosecutors functioned. The chief aims of the present study, therefore, are twofold: the first is to offer the reader a particular perspective on Roman history which has not been offered before, that of the Roman who collaborated with the regime and who felt his own interests were closely tied to the imperial court. The second aim is to throw into relief deeper and more enduring aspects of Roman society and politics which, I believe, inevitably leads us to modify the picture of *delatores* and *accusatores* as presented by our sources. Certain aspects of their behavior reflect deeper cultural and political dynamics little changed from the Republic, and both the motives and actions of numerous prosecutors would have been perfectly familiar to their republican forebears. While *delatores* certainly were, at times, a manifestation of the servitude apparently inherent in the Early Principate and sought to curry imperial favor, many who acted as *delatores* and *accusatores* under the early emperors were by no means purely the instruments of tyranny; other factors were at work. The ethos and social forces which drove this activity, including personal enmity (*inimicitia*), a sense of duty towards one's friends or family (*pietas*), the client-patron "system," and the desire for political and social clout and authority (*auctoritas* and *dignitas*), were deeply embedded in Roman society, during both the Republic and the Principate, as were the social prejudices and ethical reservations which lead our sources to depict *delatores* so negatively.¹ Of these, *inimicitia* had a particularly stubborn presence in Roman politics, and was to be a significant factor in prosecutions throughout the course of the Principate.² Moreover, the need for oversight in the workings of government and for state security always created a demand for the prosecutor's services throughout Rome's history. The Principate, however, brought with it its own changes which naturally facilitated the activity of *delatores*: the princeps' (i.e. emperor's) assumption of patronage, the need to protect his person, dynastic politics, a superabundance of new legislation, new legal prerogatives bestowed on the senate along with a changing set of demographics in that body, and other factors, introduced a set of new dynamics for the prosecutor. Such a reassessment cannot help but to highlight the palimpsest of social and political considerations which could potentially impel the *delator's* activity. More importantly, *delatores* are generally considered to have contributed significantly to making the Principate a repressive institution. Yet, even given the significant changes within the changed structural contexts in which Roman prosecutors now worked, a closer examination of the activity of *delatores* shows that during the Early Principate the *delator* played only a limited part in curtailing the freedoms of others – political or civic – over what they were during the Republic.

Despite the vast output of material on Roman history and society of the Principate, scholars to date have not given *delatores* as comprehensive an examination as is warranted for so significant an aspect of Roman culture. The innumerable works on Roman law and history (in particular those studies

dealing with the *lex maiestatis* and Augustus' social legislation) tend to deal with *delatores* only peripherally, although a number of studies, notably Bauman's contributions on Roman law, have helped to fill in some of the gaps.³ Several recent imperial biographies give *delatores* only a cursory examination, with the distinguished and important exception of Rudich's study of dissidents under Nero (1993), although a number of studies, including Jones's on Domitian (1992), Levick's on Claudius (1990), Barrett's on Caligula (1989) and Agrippina the Younger (1996), and Bauman's on women in Roman politics (1992), include sober and thoughtful treatments of various trials as they relate to their subjects. More recently, Patrick Sinclair's work on Tacitus (1995) has helped somewhat to place *delatores* in their social and cultural context. Rogers' study of criminal trials under Tiberius (1935) still stands as an important resource, though his focus is almost entirely political; his study is lacking in detailed source criticism and he does not set this phenomenon in its larger cultural context. Schumacher's recent work, *Servus Index*, is an excellent (and exhaustive) study, though, as the title of this magisterial book implies, it is limited in its scope. Then there are the numerous works, the *disiecta membra*, as it were, offering scattered bits and pieces analyzing the individual lives and careers of *delatores*, and the trials in which they were involved; as many of these have been brought together as were felt likely to prove useful to the reader, and as were deemed pertinent in reconstructing the individual biography of a particular *delator*. To date, there exists no detailed study in English of *delatores*, and the French and Italian studies which have treated this subject are almost exclusively legal in focus (and Boissier's studies are now rather out of date).⁴ Moreover, the studies of Fanizza and Boissier omit any source criticism. The present study, therefore, is primarily a social and political history, which also makes use of literary and source criticism to reconstruct this activity; it is only tangentially a legal study.

The course and context of the study

This study has two parts. The first part constitutes a social and political history of *delatores*. The subject is structured thematically, with each chapter presented chronologically in order to follow the development of this phenomenon. The present chapter introduces the study, examining problems in our sources, and difficulties in defining and identifying just who would be considered a *delator* by a Roman. The difficulty is that we are frequently dealing with a rhetorical construct as much as a historical phenomenon. How do we recognize our subject? Chapter 2 examines delation as a means of social and political advancement: we first examine the social prejudices that inform our sources' depiction of delation. We then look at the financial and political rewards available to accusers with a view to placing the activity in its larger historical context, under both the Republic and the Empire. Set against one another, the Republic and Empire show a general continuity in the rewards – both political

and economic – available to prosecutors throughout Rome’s history. In Chapter 3 we argue that imperial *accusatores* were necessary for the smooth and effective workings of government, such as law enforcement at home or checking corruption in the provinces. *Delatores* are much maligned for their prosecution of cases for extortion in the provinces (*repetundae*), yet the numerous accusations under this charge during the Early Principate represent a genuine improvement from the Republic, as Tacitus himself acknowledges. In this chapter, too, we examine the *delator*’s role in implementing Augustus’ social legislation; while we do not take exception to the fact that laws such as the Julian law concerning adultery (*lex Julia de adulteriis*) meant that the state intruded into private life as never before, we do try to set such legislation in its larger cultural and historical context. The fourth and fifth chapters consider the role of *delatores* in meeting opposition and resistance to the princeps in the senate and how *delatores* functioned in the context of “factional” politics, such as it was, during the Principate. In these areas the *delator*’s role is difficult to assess, often because the nature and aims of what little opposition there was elude us. What these chapters do show, however, is that there tends to be a general lack of serious organized opposition to the princeps within the senate, and that the attempts of *delatores* to “create” opposition, particularly early in the reigns of Tiberius and Nero, generally fail. Political opponents who do fall by the accuser’s sword often do so with good reason. Powerful connections (sometimes with entire provinces or armies) which threaten the princeps, inherited enmities, attempts to destabilize the emperor’s regime through various means, and political allegiances contrary to imperial interests, could all mark a man if he did not watch his step. The sixth chapter looks, similarly, at the role the *delator* had as a partisan player in the factional strife that could sometimes tear at the fabric of the imperial house, as was the case during the protracted conflict which set Tiberius and Sejanus at odds against Agrippina the Elder and her family in the late 20s, or the rivalry for succession which caused innumerable difficulties under Claudius. The seventh chapter looks at the *delator*’s role in protecting the emperor’s personal security (and by connection the Empire’s stability) by uncovering immediate threats to the princeps’ life; conspiracies such as those of Libo’s in 16, Camillus Scribonianus’ in 42, or Piso’s in 65, all had to be checked. Readers with some familiarity with this subject will note that this study does not attempt to set *delatores* – some of whom were orators of great repute – in the context of the development of Roman oratory; the reason for this is that we have already discussed in detail *delatores* as orators elsewhere (Rutledge 1999: 555–73). It suffices to point out that it has long been held that *delatores* established a new, more violent type of oratory in the first century. Set in their larger context, however, the style of oratory attributed to them in the first century AD differed little from that of their republican forebears. In the Epilogue we look briefly at the continuation of delation under the later Empire, and touch on points of contact between delation and analogous forms of

INTRODUCTION

behavior in other societies, including our own, with a view to setting this subject in its larger ethical, historical, and political context.

The second part of this work is a prosopographical survey of those who acted or may have acted as *delatores* from the reign of Tiberius through Domitian.⁵ This is intended primarily to be a reference guide for the reader, and will be cited frequently throughout the course of this study.⁶ In the interest of reducing excessive inter-textual references, I advise readers that any information or assertion not documented in the course of the first part of this study can be found complete with source citations in the individual *vita* of a *delator*. Throughout the whole of the study all translations are my own, with the exception of translated passages from the King James version of the Bible. Some, but not all, of the Latin and Greek has been translated in the notes, and passages left in the original Greek have been transliterated. The reason for this is that while the body of the work as a whole is aimed at a general audience, footnotes are directed at a more specialized reader. Dates, unless otherwise noted, are AD.

We concentrate on this time period (AD 14–96) not only because of the relatively abundant documentation for it, but because our sources, such as Tacitus, Pliny, and Dio, give particular attention to the activities of *delatores* throughout their works. There are instances, however, where this chronological framework will be broken; this is necessary, most obviously, because one of the central premises of this study is that the activities of *delatores* and *accusatores* reflect abiding cultural and political trends in Roman society. In revising our view of their activities, it is necessary not only to look occasionally at their forebears under the Republic, but also to consider this activity under so-called “good” emperors, such as Augustus and Trajan. It should be noted, however, that this work will not attempt to analyze the vast number of criminal prosecutions from the Republic, many of which were politically inspired; nor will it attempt to scrutinize the scope of *maiestas* (treason) laws in both periods, unless immediately relevant to our discussion, since these areas have received ample (not to mention recent) attention.⁷ It will be necessary, however, to make periodic references to the republican period, and occasionally detailed discussion will be required. Finally, it must be noted that this study is not a comprehensive survey of all the criminal trials that took place during the Early Principate. We will only investigate those depicted as *delationes* or in which *delatores* or *accusatores* took part, i.e. prosecutions which our sources depict as in some way malicious or vindictive, or which supposedly contribute in some way to the repressive nature of the Early Empire.

Sources

Our sources for *delatores* and *accusatores* are numerous, diverse, and often far from well disposed towards them; each of these sources and the problems they

present will be discussed at the relevant points of this study, but some initial words of caution are necessary. For the Republic our major sources include Cicero, Livy, and Sallust. Each of these writers has certain encumbrances of a political, historical, or literary nature. There is no doubt, for example, that Cicero's depiction of accusers from the time of Sulla in his rhetorical treatise, the *Brutus*, was influenced by his own experiences with certain characters from that period, such as Chrysogonus and Erucius. Livy's representation of informants in the Early Republic is generally anachronistic, at times clearly influenced by more recent events; hence the conspiracy to recall Tarquin in 509 BC reveals the influence of both Cicero's and Sallust's depiction of the Catilinarian conspiracy of 63 BC (see Appendix 3, p. 308). Other sources for the period, including Dio, Appian, Asconius, Plutarch, Valerius Maximus, and Plautus, tell us something concerning this phenomenon; again, each of these sources presents its own set of difficulties which will be addressed as they occur.

For the Principate our situation becomes still more complicated. We have no direct sources from those who are noted as *delatores* in the historical and literary record – no memoirs, no rhetorical treatises, and no speeches survive directly from the hand of a *delator*, even though they did circulate. Recourse to secondhand accounts is necessary. Among these, Tacitus, Pliny, Juvenal, Dio Cassius, Plutarch, Quintilian, both the elder and younger Seneca, Martial, Velleius Paterculus, and Suetonius are the most important, especially given that they were contemporaneous (or closely contemporaneous) with *delatores*. The difficulties these sources present, however, are manifold, particularly Tacitus, Pliny, Juvenal, and Suetonius, all of whom have a particular agenda and are generally hostile to *delatores*. Caution is therefore necessary, particularly in the case of Tacitus. The recent discovery of the *Senatus Consultum De Cn. Pisone Patre* (the decree of the senate concerning Cn. Piso Pater), for example, has revealed the extent to which Tacitus will manipulate the presentation of a trial to further vilify the princeps.⁸ In addition, Tacitus' presentation of court cases is not infrequently vague, and he sometimes deliberately suppresses details or emphasizes them according to his own interests and biases in such a way as to hinder our understanding of individual prosecutions. For all that, he is an invaluable witness who tells us more than any other source about the progress and development of this activity. However, he needs to be used at times with circumspection, especially in light of other sources which tend to give certain *delatores* (relatively) more favorable press, such as Quintilian (in the case, e.g., of Domitius Afer), or Seneca the Elder (in the case of Junius Otho or Bruttidius Niger). The sources demand scrutiny, caution, and vigilance.

In addition to the literary and historical sources, there is also the occasional inscription that tells us something about the course of a *delator's* career. Such is the case with Eprius Marcellus; we would have no knowledge of his exceptional tenure in the province of Asia and his holding of three priesthoods were it not for the discovery of an account inscribed on stone (ILS 992). And, not least, there are the vast *codices* of Roman law, the most important of which is the

Digest of Justinian, which gives us a record of the laws that regulated and enabled both informing and prosecuting under the Empire. The use of our legal sources, however, is not without its problems, given that most of these are late, composed (or compiled) well after the period with which we are concerned; they must not be used without some reservations.⁹

The subject: defining the *delator*

It is important to note from the start how fluid and amorphous the term *delator* is, encompassing not only *accusatores* who prosecute in the senate, but the backroom courtier or freedman who denounces an individual privately to the princeps, the witness (*testis*) willing to embellish testimony, the informant (*index*) who names names with particular relish, and the numerous anonymous accusers who will have taken advantage, for example, of the *lex Papia Poppaea* to denounce others and about whom we know virtually nothing. Yet despite the amplitude of sources attesting to the activity of *delatores*, there is nonetheless no simple dictionary term for whom the Romans considered a *delator* or *accusator* in the sense that students of Roman history have come to know the word, and this creates a methodological difficulty for our study; the term needs discussion. The word *delator* comes from the phrase *nomen deferre*, meaning either to lay information or to accuse, since the individual who initially denounced another individual before a magistrate (that is, who informed against an individual) could also be (but was not necessarily) the one who conducted the prosecution. In general, during the Republic, the verb referred to the initial presentation of the defendant's name before the appropriate magistrate, or to the actual prosecution itself.¹⁰ The noun *delator* does not appear at any time under the Republic with the sense that it did during the Empire; instead *quadruplator* and *index* were the words used to describe infamous informants and accusers. The *quadruplator* is initially attested to in Plautus (*Pers.* 61–74), and, while its meaning is controversial, seems to refer to an accuser who made a habit out of this activity and prosecuted others for the sake of gain.¹¹ An *index*, on the other hand, almost always refers strictly to an informant, such as Vettius or Q. Curius, both of whom were involved in the Catilinarian conspiracy. The *index* has direct information, is himself actually involved in the crime, and denounces but does not prosecute it – unlike the prosecutor who could, but did not necessarily initiate a case by a preliminary denunciation before the appropriate magistrate, and who had no involvement in the legal transgression he prosecuted.¹² It should be noted that while the word *index* tends to be relatively neutral *quadruplator* tends to have a distinctly negative value, as did the term *delator* later on, although this is not always the case. It is apparent that our imperial sources sometimes thought of an *index* as a *delator*.¹³ Because the *delator* could often operate both as an informant and as a prosecutor, I have felt it necessary, at certain points in this work, to include a discussion of both the *quadruplator* and *index* under the Republic, since both their behavior and function in Roman

society could sometimes be reflected by *delatores* during the Principate. But how did Romans understand the term *delator*? And what criteria did the Romans use for recognizing someone as such?

Delator as a noun does not appear until the time of Augustus, where Livy uses the word in reference to Roman officials sent to Greece to gather intelligence (45.31.10); the word, as Livy uses it, has an apparently neutral value. After Livy the word virtually disappears for a time – it is found nowhere in the Augustan poets, just once in Seneca – and only re-emerges towards the end of Domitian's reign, in Martial, Quintilian, Tacitus, Pliny, Suetonius, and Juvenal.¹⁴ Scholars have used the word almost universally without any attempt to define what our sources understood by it, though some, such as Syme (1958: 326–7) and Sinclair (1995: 12–15), rightly note that *delatores* and *accusatores* must be understood on Roman terms, not our own. Few scholars, however, have ever bothered to define the term or consider its meaning more closely. Avonzo attempts to distinguish between the terms *accusator* and *delator* in our sources, arguing that, strictly speaking, a *delator* lays information before the magistrate, while an *accusator* prosecutes.¹⁵ The difficulty with such a distinction is that our imperial sources use the two words synonymously and never rely on strict legal terminology. For Tacitus the *delator* and *accusator* are synonymous and both terms could apply to any number of activities.¹⁶ Either word could refer to one who denounces or lays information, the one who prosecutes, or both; indeed, the term can arguably be extended to include those acting as a witness against someone with whom our sources sympathize.¹⁷ In our own investigation of this phenomenon we shall approach our subject on the same terms as did our sources, which generally used these terms not as legal ones, but rather as encoded terms understood to include a certain recognizable type of behavior or individual. There is, consequently, no set of objective criteria with which to classify an individual as a *delator* or *accusator* – both words are loaded and imprecise. Indeed, it is more a matter of how our sources present a particular accusation than an accusation *per se* that defines for us who was considered a *delator*.¹⁸ We are forced, consequently, into the realm of rhetoric in reconstructing this phenomenon, since the term is subject to “polemic, abstraction, and ideological manipulation,” a not infrequent problem faced by the legal profession in more than one society.¹⁹

We are certainly not the first to recognize this. Mommsen noted (1899: 493 n. 2) that *delator* and *accusator* were, in part, rhetorical terms loaded with negative connotations. Walker (1960: 101) has identified the typological nature of these words, noting three distinctly negative character “types” under which she categorized Tacitean *delatores*: “the corrupt noble, the man too impatient for an honest career, and the lowborn hanger-on.” Martin has also remarked that there is a decidedly rhetorical coloring to the word and that Tacitus uses it polemically when the text simply will not support the sinister twist he tries to impose on events.²⁰ Tacitus appears to support the claim that the *delator* must be understood to be as much a rhetorical construction as a historical phenome-

non; this point is perhaps best illustrated through his characterization of Caepio Crispinus, who provides a virtual textbook example of a *delator*. Early in Tiberius' reign Caepio, Tacitus tells us, created a pattern of life that was to be followed by others:

Not much later Caepio Crispinus accused Granius Marcellus, the former praetor of Bithynia under whom Granius had served as quaestor, of treason, with Romanus Hispo acting as supporting prosecutor: this man entered upon a form of life which the miseries of the times and the daring of men afterwards made famous. For without means, unknown, restless, while he wormed his way into the princeps' cruelty by secret letters, he soon endangered each man of most illustrious rank. Having obtained power with the princeps, he won hatred among all. He gave an example which made those who followed it rich men from poor, men to be feared instead of despised; they destroyed others and afterwards themselves. But he was accusing Marcellus of having held sinister conversations about Tiberius, an inescapable charge, since the accuser chose the most vile aspects of Tiberius' character to cast against the defendant.

(Ann. 1.74.1–3)

There, in Tacitus' description of Caepio, is the archetypal *delator*.²¹ He is one who is a fierce opportunist, a ruthless careerist who will climb to the top and create peril for all who cross his path, who disregards danger to himself, who gains access to the princeps' ear. He is lowborn, advances from poverty to wealth, and is a threat to those of high rank (*clarissimo cuique*). In short, *delatores* constitute a negative social category, often constructed based on the social and political prejudices, as well as the status-conscious nature of Roman society; it was a way Romans communicated with one another concerning perceived abuses of the legal system and of political privilege as well. Tacitus' presentation communicates a complex nexus of social, ideological, and political values through which his readers would readily identify certain behavioral patterns as constituting a negative character portrayal. Tacitus intended his portrayal as a guide for recognizing this type of character, and therefore helps us to define our subject, although some modification is necessary.

I have used Tacitus' depiction of Caepio, in part, as criteria in picking and choosing those I include for analysis in this study, and for inclusion in Part II. It is worth noting that our reliance on Tacitus for a definition by no means confines us exclusively to Tacitus, and that this character type is recognizable elsewhere, in sources ranging from Philo to Juvenal. One of the reasons we rely on this particular example is that Tacitus and our other sources do not always use the word *delator* (or even *accusator*) to describe an individual as such, instead letting their actions or their presentation speak for themselves. Any number of criteria may be used to categorize an individual as a *delator*. First, as

the case concerning Caepio above shows, anyone of lower status or *dignitas* than the accused could potentially be considered a *delator*.²² One of the essential rubrics for recognizing *delatores* is profit motive – in the form of either financial gain, political advancement, or both; *de facto* the *delator* works against senatorial interests (see below, p. 22). These rubrics appear in Tacitus' portrayal of Caepio and present little difficulty in helping us to identify individuals as *delatores*. The accusation must also be cast in a sinister or malicious light, and need not always entail success. Here we meet the sources on their own ground, including individuals whom our sources clearly considered *delatores* but were not necessarily deserving of the name. In such instances presentation becomes everything.²³ Not infrequently the term *delator* can even encompass one who steps beyond the bounds of a *delator* and into the role of *calumniator*, a false accuser, who simply assists in setting up the legal fiction of a kangaroo court (see e.g. Eucerus' *vita*). A *calumniator*, however, *de facto* starts off as a *delator*, only to end up as a *calumniator* when his case is lost.²⁴ Consequently, the status of a *delator* is far from static; it is fluid, prone to external conditions that are subject to change. As such, scholars mislead when they refer to the "profession" of *delatores*; as Rudich (1993: 241) has noted, "today's dissident could tomorrow play the *delator*" (see e.g. the *vitae* of Aemilius Scaurus and Antistius Sossianus).²⁵ Moreover, one may have an otherwise illustrious career, yet leave a blot on it by a single prosecution which could be perceived as unbecoming to one's *dignitas* (see e.g. the *vitae* of Cornelius Dolabella and Plancius Varus). Taking our cue from Rudich (1993: 240), who notes that "One cannot classify dissident individuals on any formal principle except that of their external circumstances," we might easily note the same of their opposites who collaborated with the court. In summation, the term *delator* is one our sources used broadly, and it is sometimes difficult to apply a strict set of principles that will encompass all of the rubrics set forth, or that will satisfy all critics. Rudich sagely noted in his study of Neronian dissidents that the dissident's definition as such was, in essence, a matter of attendant and external circumstances. A variant of this truth obtains for *delatores*, who frequently defy classification on the basis of any strict formal principle except that of rhetorical presentation. Because *delatores* represent a distinct social category, it is apparent, for the most part, which individuals would be considered as such in our sources.

The *delator*, then, is a negative construction; it is a term of abuse for those involved in some capacity in the Roman legal system, similar to our own derogatory terms such as "shyster" or "ambulance-chaser" for those who practice law.²⁶ We can base our definition of the *delator*, for the most part, on the above considerations. But the *delator* is arguably as much deconstructed as constructed by our sources through the use of heavily rhetorical language to make *delatores* appear "un-Roman," to show that they stand in opposition to the ethos of the senate, even to Rome itself. In so doing, our sources call into question not only the legitimacy of *delatores* themselves, but by implication the legitimacy of the power structures with which they collaborate. Our sources, moreover, not

satisfied with merely depicting the *delator* as going against the current of the senatorial or Roman ethos, in addition depict *delatores* as “the Other,” as something which stands even outside of human society. A selective array of images and metaphors are used to delegitimize and dehumanize, to make the *delator* “not one of us.”

One of the ways this is achieved is to make the *delator* stand on the boundaries of society, to portray him as one who does not recognize traditional Roman mores and violates the social bonds which hold society together. Hence, in the *Dialogus*, Tacitus remarks that neither Eprius Marcellus nor Vibius Crispus were outstanding for their character (*neuter moribus egregius*, 8.3), and Tacitus mentions Vibius in the *Historiae* as ranked “among the distinguished rather than among the good” (*inter claros magis quam inter bonos*), and, significantly, as one of the “few and powerful” (*pauci et validi*) who stand opposed to the “many and the good” (*multi bonique*). The use of *mos* and *boni* surely indicates that Tacitus sees both as standing outside the traditional (perceived) ethos of senatorial solidarity, setting them apart on account of their collaboration with the imperial court. Tacitus’ negative portrayal of Antistius Sosianus (*Hist.* 4.44.2), whose depravity of character (*pravitas morum*) is duly noted, again recalls his portrayal of Eprius and Vibius (*Hist.* 4.43.2). The *delator* is also made to stand outside the senatorial tradition which takes pride in its freedom (*libertas*), as was the case when Salienus Clemens attacked Junius Gallio, an action Tacitus views as motivated, in part, by flattery (*adulatio*), hence servility (*Ann.* 15.73). Again, the *delator* violates the nobility and traditions of his family, as was the case when Dolabella joined Domitius Afer in his prosecution of Claudia Pulchra in 27, who, asserts Tacitus, was going to destroy his own blood kin (*suum sanguinem perditum ibat*, *Ann.* 4.66.2). Even outside the senate, *delatores* of lower status are no less prone to depiction as creatures who break the strict social bonds that govern Roman society, something to which Pliny alludes again and again in his *Panegyricus* (see below, p. 33). Most striking in this regard is Egnatius Celer, whose ability to dissimulate bears a stark resemblance to Tacitus’ portrait of Tiberius (*Ann.* 1.4.4; 11.4), and thereby sets him in direct opposition to senatorial interests: “In his demeanor and in his face he was skilled in expressing the image of a good man, but he was utterly treacherous in his mind, deceitfully hiding his greed and lust” (*Ann.* 16.32.3).

The attempt to delegitimize the *delator* takes on a much more dramatic form in our sources, since his behavior is often equated with lawbreaking; prosecutions are frequently referred to as crimes (*scelera*), and *delatores* are depicted as destroying, rather than enforcing, the very legal bonds they in theory ought to protect.²⁷ The equation of *delatores* with criminal and even (to the Romans) sexually deviant behavior appears to have been a common and natural one, and the term itself was clearly one of abuse, as Martial’s epigram against a certain Vacerra attests (11.66):²⁸ “You are a *delator* and false accuser, / And you’re a swindler and a dealer, / And you’re a cock-sucker and gladiator trainer. I wonder / Why you don’t have cash Vacerra.” When not depicted as blatantly criminal,

the *delator* is at least portrayed as rash or shameless, as is the case with Junius Otho and Cossutianus Capito.²⁹ Finally, it is worth noting that many of the terms Tacitus uses for *delatores* and *accusatores* have contemptuous associations that border on the criminal, such as *condemnator* (a procurer of condemnations), *criminator* (slanderer), or *calumniator* (false accuser).³⁰

Perhaps the most striking imagery deployed against *delatores* is that of delation as a disease, or as something emblematic of filth, pollution, or madness.³¹ The image of disease first arises in the metaphor Tacitus uses to describe the denunciation of Scribonius Libo Drusus in 16. Introducing the case, Tacitus remarks that, "Then for the first time were discovered things which ate away (*exedere*) at the state for so many years"; the word *exedere*, "to eat away," is generally used for wasting disease, and here refers to Firmius Catus' alleged entrapment of Libo (*Ann.* 2.27.1).³² Again, when Tacitus introduces Domitius Afer's and Cornelius Dolabella's attempt to prosecute Quintilius Varus he uses pointed medical terminology stating that "In such a way did the violence (*infestior vis*) of the accusers proceed (*grassabatur*) daily greater without alleviation (*sine levamento*)" (*Ann.* 4.66.1).³³ Making a similar comparison, Pliny uses the image of surgery to describe the punishment of *delatores* in his address to Trajan: "You have cut out (*excidisti*) an internal evil and taken precautions with providential severity that the state founded on laws not appear ruined by them" (*Pan.* 34.2). The image of defilement and filth to describe *delatores* is more common still. Thus Tacitus stated that Junius Otho polluted (*propolluebat*) his already obscure origins through delation (*Ann.* 3.66.4), and the lowborn Vatinius (*Ann.* 15.34.2) is remarked as among the foulest things (*inter foedissima*) at Nero's court.³⁴ Imperial authors also draw on the image of madness or mental instability. Hence Tacitus' depiction of Caepio as restless (*inquiēs*) is echoed again in his presentation of Antistius Sosianus, who is referred to in similar terms (*Ann.* 16.14.1).³⁵

Finally, the *delator* is portrayed as a destructive force in general. Tacitus therefore includes the activities of *delatores*, along with civil wars and natural disasters, as among the more horrific events of his *Historiae* (1.2.3): "Nor were the *delatores*' rewards hated any less than their crimes, since some having obtained priesthoods and consulships as spoils, others procuratorships and access to the imperial court, they conducted and swayed all things through hatred and terror." Considering that in this particular passage Tacitus puts *delatores* at the end of the list of disasters his *Historiae* will encompass, including Vesuvius' eruption and the burning of the Temple of Jupiter on the Capitoline, building as it were to his final crescendo, it is not unthinkable that he believed *delatores* the most destructive element of all, surpassing the horrors of war and natural catastrophe. *Delatores* are consequently elevated to a vast, destructive force. It is not surprising, then, that Tacitus and other Roman writers frequently used images of violence or destruction to describe them; hence Baebius Massa is destructive for every man of the highest rank (*optimo cuique exitiosus*, *Hist.* 4.50.2). Juvenal describes Valerius Catullus Messalinus as deadly (*mortifer*), a

word rarely used for people, more often describing weapons, disease, and war (4.113).³⁶ Sometimes the image was expressed in quite vivid terms, as when Curiatius Maternus described *delatores* as employing “gain-getting and bloody eloquence” (*lucrosae huius et sanguinantis eloquentiae*, Tac. *Dial.* 12.2), or when Marcus Aper compared contemporary oratory to a full panoply of military equipment (Tac. *Dial.* 5.5–7). More ghoulish is Curtius Montanus’ portrayal of Regulus’ *delationes* under Nero, in which he accused him of “seizing the spoils of consular victims from the corpse of the state” (*ex funere rei publicae raptis consularibus spoliis*, Tac. *Hist.* 4.42.4).³⁷ This element of destruction is developed further in the almost bestial qualities that our sources attribute to *delatores*. Tacitus’ depiction of Eprius Marcellus as violent and threatening (*torvus et minax*) is exemplary, since the adjective *torvus* in particular summons up images of a fierce animal.³⁸ Any one of these images could serve to delegitimize, dehumanize, and denigrate *delatores*, to differentiate further, in other words, the *delator* from his non-*delator* counterpart. Most important of all, by calling into question the legitimacy and legality of their activities, our sources are at the same time calling into question the legitimacy and authority of the regime which they serve.³⁹

There are numerous reasons for the negative presentation of *delatores* in our sources, including questions of status, class, and senatorial solidarity against the princeps, and these questions will be explored as they arise in the course of the study. One of the most fundamental reasons for the dim view Tacitus, Pliny, and others take of prosecution is simply a matter of morality. Accusation appears to have always been an ethically dubious undertaking and the revulsion felt by Tacitus and Pliny under the Empire at those who pursued it “professionally” was by no means unique to their age. Cicero, our main source for this activity during the Late Republic, by all indications, felt accusation generally unethical and something to be avoided, for while he noted that it could indeed make a reputation, he also remarked that prosecution ought to be undertaken only under certain circumstances.⁴⁰ Pursuit of such activity could become an embarrassment for the accuser’s family, as Cicero indicates it was for M. Brutus’, if it was turned into a habit (*Brut.* 130). But even if it was not the habit of an individual to accuse, it was necessary to justify at length the acceptance of a case for the prosecution, as Cicero illustrates by his apology for taking up the accusation against Verres in his *Divinatio in Caecilium* (*passim*). That prosecution was a questionable activity is by no means in doubt; there is an inherent bias against the accuser in Rome in Cicero’s day that was carried over into the Empire and left its mark on our sources.⁴¹ Quintilian expressed similar moral reservations concerning prosecution, although whether, as some have contended, his reaction was in response to the activities of *delatores* in his own day is difficult to say, since, as Cicero seems to show, the concern was one apparently embedded in the Roman psyche. Quintilian’s insistence that the orator be a man of integrity, his diatribes against those who employ violence, his inveighing against those who are harsh in their attacks and employ a purchased

voice (*mercennariam vocem*, 12.1.25), and against those who use eloquence to destroy their fellow man (2.20.2), all seem to point to contemporary concerns over the activities of prosecutors.⁴² It is only on rare occasions, however, that Quintilian addresses the ethics of accusation explicitly.⁴³ Hence in book eleven he remarks that the orator who prosecutes needs to show that he does so only with the greatest reluctance (*Inst.* 11.1.57). In addition, any concerns Quintilian had over accusation were qualified by his own admission that it was a necessary and important activity for the welfare of the state (12.7.1–3), and warns that an orator should not shudder so much at taking up an accusation that he neglects his private and public duty, and that the laws themselves will not prevail unless protected by a man of suitable skill. He further admonishes that not to seek punishment for crimes is virtually to permit them, as though good men were giving license to the wicked; the orator will not suffer the complaints of allies, of friends, the deaths of loved ones, or conspiracies about to erupt against the state to go unavenged. But, he qualifies, to live the life of an accuser and to be induced to denounce defendants for a price is akin to banditry (*latrocinio*).

There were, however, exceptional circumstances when prosecution was certainly acceptable. During both the Republic and the Principate it was generally permissible for a young man, trying to make a name for himself, to act as prosecutor.⁴⁴ *Pietas* in avenging the wrongs done to friends and family was yet another acceptable motive.⁴⁵ Senators who were appointed by the princeps or senate to prosecute stood on potentially more dubious ground, but still, such prosecutors appear to have been generally tolerated; a prosecution enjoined on a senator simply did not carry the stigma of one voluntarily undertaken.⁴⁶ Thus Pliny, when relating the case of Marius Priscus which he prosecuted with Tacitus, is careful to note that it was not a case the two took up of their own accord, even though the provincials had been seriously wronged (*Ep.* 2.11.2).⁴⁷ Prosecution on behalf of clients, including provincials, was also an acceptable motive for prosecution, though the ethics of such prosecutions as our sources present them are not infrequently situational, depending on the accuser and the accused. Tacitus and Pliny both have a tendency to suppress these exceptions in their portrayals of individual trials, even though both acknowledge their place in the motives of prosecutors. Tacitus, for example, as much as he excoriates those who prosecute *de repetundis* (see e.g. *Ann.* 3.66), elsewhere remarks that such prosecutions add to the *clientelae* and *auctoritas* of the orator (see e.g. *Dial.* 5.4). It is therefore important to do what Tacitus does not – to examine prosecutions in light of their larger cultural and political dimensions.

The process

It was noted at the outset of this chapter that this is, above all, a political and social, not legal study. Nonetheless, it will be useful to review in brief the actual steps of a “typical” prosecution, to appreciate how someone such as Vibius

Crispus or Fulcinus Trio pursued his case. During the Republic trials for senators had taken place before individual courts (*quaestiones*), depending on the offense, and juries consisted of senators, *equites*, and *tribuni aerarii*, although some offenses were tried before a people's court (*iudicium populi*). In the time of Augustus, the jurisdiction for senatorial offenses was transferred to the senate itself, which became responsible for trying its own members. Individual *quaestiones* continued to exist for certain offenses, but this did not prevent the senate from taking up charges that belonged, strictly speaking, to those courts.⁴⁸ Senators, their wives, and others of high status (*inlustres*) prosecuted for adultery, for example, appear to have been tried, for the most part, before the senate despite the existence of a separate *quaestio* set up by the *lex Julia de adulteriis*.⁴⁹ What steps did a *delator* take to prosecute a case in the senate? His first step was to approach the magistrate with authority to summon the senate, either one of the consuls or the princeps himself (see e.g. Tac. Ann. 3.10.1), who then decided whether or not to refer the matter to the senate and considered whether there was enough information against the accused for a case to proceed (see e.g. Tac. Ann. 3.12.10). A *subscriptor*, or fellow prosecutor, could be joined to the prosecution, and a *divinatio* (a pre-trial hearing) held which decided who had the greatest claim to undertake the prosecution, what charges the individual accusers would prosecute, and occasionally how the rewards would be divided. If there was more than one charge the main *accusator* and *subscriptores* handled them separately, as in the case of Cn. Calpurnius Piso, in which Fulcinus Trio attacked his previous career, while the other prosecutors handled the case for treason and murder. The *delator* who initially denounced an individual before a magistrate did not necessarily obtain the *ius perorandi* (right of speaking first against the accused); it was not, for example, Firmius Catus or Fulcinus Trio who spoke first against M. Scribonius Libo Drusus despite their initial involvement in the case, but Vibius Serenus (Tac. Ann. 2.27–30). After the *delator's* denunciation, an investigation (*inquisitio*) followed, during which the prosecution gathered evidence for the case, a process which could take from several days up to several months (see e.g. Tac. Ann. 3.38.1; cf. 3.70.1). With some exceptions, during this period the accused was rarely imprisoned. The case was then tried before the senate sitting as a court of law, with the consuls, princeps, or city praefect as the presiding magistrate. The prosecution generally began with a statement of the charges (Tac. Ann. 2.29; Dio 60.16.3), and a decision was then made whether to handle the charges separately (if they were multiple) or not, as was the case in C. Junius Silanus' trial in 22 (Tac. Ann. 3.66–9). In *repetundae* cases provincials would sometimes speak alongside the accusers (see e.g. Tac. Ann. 13.33). A certain amount of time was allotted to the defense and prosecution (which spoke first) to state their cases, but this was at the discretion of the magistrate (see e.g. Tac. Ann. 3.13.1). After opening speeches, documentary evidence was then brought forward, such as the documents in Libo Drusus' hand containing "alarming and secretive marks" (*atroces vel occultas notas*) next to the names of the Caesars and

certain senators (Tac. *Ann.* 2.30.2); in addition, there were also statements extracted from witnesses of lower status which could be presented in evidence (Tac. *Ann.* 2.30.3). The consequences could be severe if at any time the *accusator* abandoned or lost his case.⁵⁰ Once the prosecution was finished the senate voted openly as a court concerning condemnation or acquittal. If there was a condemnation, rewards could be voted by the senate or bestowed by the princeps. It is important to note that there were occasional and important exceptions to the procedure just outlined above; most notably, trials were on some occasions conducted not before the senate, but before the princeps himself within his imperial residence (most infamously under Claudius), and trials were sometimes very summary in nature (as in the case of Titius Sabinus). These and other exceptions will be noted as they occur in the course of the study.

Finally, it must be emphasized that the *delator* – as was the case for any advocate during the Republic as well – could and did make his case without adhering to strictly legal arguments. Cases were argued from probability, and the defendant's entire life was fair game for the Roman prosecutor to exploit. A good lawyer could acquit his client by introducing a myriad of details not immediately relevant to the case. Cicero gives us numerous examples of how this was achieved, the *pro Caelio* being the example *par excellence*, in which Cicero dismissed in a few short paragraphs the charges with which Caelius was accused (and of which he was probably guilty), and spent the remainder of the oration attacking the character of Clodia, who had brought up the prosecution. The nature of Roman prosecution, therefore, in which intangibles such as character and probability come into play, and in which the whole life of the accused is fair game, should make us cautious about judging imperial prosecutors' cases with strictly legal criteria. The strengths and weaknesses of a case would occasionally depend not on how well a *delator* could prove legal transgressions, but on how effectively he could impugn the character and life of the defendant, and argue based not on fact but on probability that the defendant was guilty as charged.

Conclusion

For Tacitus, Pliny, and others, the *delator* was not a complex creature; Tiberius, Nero, Domitian, all supposedly went, in one way or another, against senatorial interests. The *delator* sided with the princeps and was one of the *pauci et validi* who stood in full panoply against the *multi bonique*; *libertas* was set against "tyranny without end" (*dominatio sine fine*), the powerful (*potentes*) against those "from that senate which was subservient together" (*ex illo senatu qui simul servierit*, Tac. *Hist.* 4.8). Even when these clearly-set terms become blurred, as in Eprius Marcellus' apologia for his collaboration with Nero, or Tacitus' own confession in the *Agricola*'s peroration to siding with the *delatores*, the *delator* remains a force for destruction, which sucks the senate with him into a moral abyss, firmly planting his heel on liberty's neck. A closer scrutiny reveals a much

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more complex reality; cultural and political structures deeply embedded in Roman society, often neglected or elided by our sources, are frequently at work. While there is no denying that the principate of a Gaius was indeed harsh and the behavior of a Nero offensive, the level of involvement of *delatores* in the implementation of any repressive measures during the regimes of the Early Principate is very much open to question. Against the senatorial claims of liberty in our sources stand charges of genuinely criminal behavior – fomenting sedition and discord within the senate, plotting revolution, violence against provincials – on the part of individual senators, while behind the claims of free expression there conceivably lurk deep enmities and crimes against the princeps which potentially threatened his security – and *de facto* the stability of the state. Contrary to the presentation of our sources, the *delator* is generally neither a criminal element nor a force for destruction, but one that maintains stability through law enforcement and service to the princeps. If we are to abide by the claim that the Early Principate was repressive or tyrannical in nature, we must perhaps look for the instruments of that tyranny elsewhere.

2

POLITICAL AND SOCIAL ADVANCEMENT

There was more savage cruelty in the city: noble birth, wealth, offices not held and held were subject to a criminal charge, and virtue brought most certain destruction. Nor were the *delatores*' rewards hated any less than their crimes; with some having obtained priesthoods and consulships as spoils, others procuratorships and access to the imperial court, they conducted and swayed all things through hatred and terror.

(Tacitus, *Historiae* 1.2.3)

The old Stoic *delator*, nurtured on that shore
Where the Gorgon's winged steed fell to earth,
Slew his friend and pupil, Barea.
There is no place here for any Roman, where
Some Protogenes or Diphilus or Hermarchus rules.

(Umbricius in Juvenal, *Satire* 3.116–20)

As the man made his way through the huddled throng outside the theater his attendants parted the crowds for him. Those in the know paused and put their hands to their mouths, pointing at the man and his retinue, and whispering to one another in tones ranging from admiring awe to bitter disapproval. To be the object of such attention was a new experience for Fortunatus, a man born into servitude who had made his way in life and eventually purchased his freedom. Now, as he entered with his attendants, the theater was humming, and many eyes were upon him as he took his seat among the official attendants of the tribunes (*inter viatores tribunicios*) for the first time – a seat Fortunatus had purchased with blood. Fresh in the crowd's mind was Fortunatus' betrayal of his former master, turned patron, L. Antistius Vetus, a well-connected man of consular standing whom he had charged with conspiracy against the princeps.¹ In the back of the theater a disgusted and resentful Umbricius, having seen enough, went home to pack his belongings: "There is no place for an honest living in this city!" (*artibus honestis nullus in urbe locus*, Juv. 3.21–2).

The previous scenario is admittedly a composite fiction, but has a social and historical basis that was all too real. The lament over lucrative eloquence (*eloquentia lucrosa*) and the low status of those who profited from it is a collectively recurring mantra in Tacitus, Pliny, Quintilian, Juvenal, and Seneca the Elder. Throughout our sources the *delator* is generally depicted as lowborn, clawing his way to the top from an ignoble start in life, gaining wealth along the way through sordid means; the attitude is typified by a scholiast's note to Juvenal 3.29.² There Umbricius bids farewell to a city where the likes of Catulus, a *delator* under Domitian, thrive; the scholiast describes Catulus as lowborn and base (*ignobiles et sordidos*), as one who lives by means of evil occupations (*malis artibus*), and who had become rich through disreputable means (*ex sordidis rebus divites*). The general impression is supported by imperial authors such as Pliny, and by Tacitus in particular, whose typological depiction of the *delator* has already been discussed in the introduction (see above, p. 11). Yet whether our sources realized it or not, they were not referring to a strictly imperial phenomenon. Throughout Rome's history prosecution could prove an attractive proposition: it could lead to financial enrichment, further one's career through offices or insignia, restore civic status, and, perhaps most importantly, give a generous boost to one's *auctoritas* (prestige) and *dignitas* (honor) in the senate, while under the Empire it could, in addition, procure access to and influence with the princeps.³ Even for the lowest orders, it could mean freedom (for slaves), or power beyond what one's status would normally allow (as in the case of freedmen).⁴ The *ad hoc* nature, however, of cash and official rewards made prosecution a less than certain guarantee of profit; as is still the case today in our own society, the rewards for prosecution were contingent, depending very much on the nature of the offense prosecuted, and, for the Romans, also on the status of the accuser and the wealth of the accused. What this chapter will show in part is that, in this sense, neither the superficial economic motives nor certain of the deeper social dynamics driving this activity had changed substantially between the Republic and Empire.

There were, however, two significant changes which did transform the nature of accusation between these two periods, and these surely affect how our sources perceived and presented prosecutors during the Principate. First, under the Principate legal jurisdiction over transgressions by *honestiores* (men and women of high standing), was transferred, for the most part, from the individual courts (*quaestiones*) to the senate; the transference was completed, with some exceptions (e.g. the referral in 15 of Granius Marcellus' case for *repetundae ad recipiatores* [to the official assessors] Tac. Ann. 1.74.7), by Tiberius' reign, with accusations lodged before the consul or emperor (rather than the praetor).⁵ For the most part, the individual *quaestiones* in charge of *adulterium* (adultery), *repetundae* (maladministration of office), and *maiestas* (treason) were underused.⁶ This now meant that senators were prosecuting members of their own order for crimes previously in the hands of separate courts (with juries consisting of men of varying status); the change resulted in occasional strains in

relations within that body. Not that senators had not prosecuted one another in the past, to be sure, but now there was an element of compulsion, since the interests of the princeps had to be looked after. Moreover there were those as well who hoped to curry favor with the emperor, and were only too happy to work on his behalf. In addition, there was now increased opportunity for prosecution, with a greater profusion of laws (such as those concerning adultery) and with more legal jurisdictions (e.g. the *quaestiones de repetundis*) now falling into senatorial hands – although the proliferation of legislation was a trend already well under way during the Republic, picking up momentum with the establishment of the *repetundae* court in 149 BC. The trend arguably reached its peak with Augustus, and the early emperors had little to add. Intersecting with this new development was a second change of a demographic nature, and one that is largely responsible for how our sources depict delation. Under the Principate the presence of “new men” (*novi homines*) who were the first in their family to enter the senate increased in that body. In addition, freedmen gained a great deal of power in the imperial household. Both developments were something the senatorial elite deeply resented. Moreover, while class unity against those from the lower orders who prosecute (and profit) accounts for much of the resentment against *delatores* in our sources, senators who cannibalized members of their own class, thereby betraying chinks in the wall of senatorial solidarity, are stigmatized as well. As concerns financial gain and political profiteering under the Principate, the negative perception held by both our contemporary sources and modern scholars alike is, in part, the result of a convergence of the old means by which social and political advancement was achieved through oratory with the changes in the demographics of the political landscape, whereby men who were considered, relatively speaking, of low status, rose above the rank and estimation of the ancient and exalted families of the Republic.⁷ Numerous *delatores* were political aspirants in pursuit of fame (*gloria*), prestige (*auctoritas*), and influence (*potentia*), or eager to show their loyalty (*fides*) to their patron, the emperor; consequently much of their activity constitutes something, one suspects, that would have been readily appreciated by any number of republican orators and politicians, who climbed the political and social ladder in the same way. Finally, it is worth noting that in terms of actual names, numbers, and statistics, relatively few men prospered politically or otherwise as a direct result of *delatio*. The political environment was always competitive, and there were, as always, more men with the desire to rise to the top than those with the ability to do so; again, our sources are responsible for an exaggerated impression.

Political and social advancement: who advanced?

As the character of the *delator* or *accusator* was constructed to make him appear as something alien and criminal (see above, p. 12), so, too, do our sources present him in social terms as one who stands very much on the margins of

Roman society. *Delatores* are generally depicted as either lowborn or of poor moral character, and often this depiction emerges as an aspect of class polarization and antagonism.⁸ The *delator* is one who, through nefarious means, assaults the “legitimate” members of society, forcing them into exile or worse, and acting as a disruptive force within the state. What our sources do not tell us is that frequently at issue were basic values concerning political competition and social advancement. Moreover it is important to note that *delatores* most certainly did not see themselves as a class of underprivileged upstarts assaulting the bastion of senatorial and upper-class privilege. There was no conscious “class” sentiment among *delatores*; that impression is rather one left to us by our sources. In a society that was simultaneously status conscious and highly competitive – and where the elite was very jealous of its privileges and clout – the neophyte, especially one of low or dubious origin, was bound to excite resentment, and, more than that, cause a great deal of anxiety amongst the ruling class, since that class stood the most to lose from their activities, as Pliny and Tacitus both attest.⁹ Tacitus and Pliny, however, stand (for us) at the end of a long tradition of advancement through oratory. Well before them, under Augustus, and during the proscriptions of the second triumvirate, there were already hints of the place class prejudice and concern for status was to have in our sources.¹⁰ That prejudice was deeply ingrained in Roman society, the result of a highly stratified social hierarchy which encouraged conflict between the *humiliores* and *honestiores*, and was long-standing, abiding before and after our period. Indeed, as was the case with the Sullan proscriptions (see Appendix 4), the leaders of the second triumvirate were able to exploit this underlying class antagonism. Thus, Appian presents the activities of accusers and informants in that period very much in terms of class: creditors feared debtors, and masters feared their slaves.¹¹ Again, the Augustan orator and pamphleteer Cassius Severus could attack the founding member of the Vitellian family as a shoemaker, whose son made a living through informing (*sectionibus*) and dealing in confiscated property (Suet. *Vit.* 2.1) – although all of this is highly suspect as rhetorical exaggeration. Such social prejudice was to last into the reign of Trajan, when Pliny, in his *Panegyricus*, looked back on Domitian’s regime as a servile war (*bellum servile*), with slaves suborned against their masters and clients against their patrons (*Pan.* 42.4). The question arising from all of this is to what extent our sources exaggerate the low social standing of *delatores*? Surely there is occasional embellishment, and some sources are more reliable than others. One suspects, for example, that Juvenal consistently exaggerates the Greek origins of *delatores* in his effort to develop Umbricius’ case against the city of Rome in *Satire* three. Tacitus, on the other hand, never one to let a *delator* get away with anything, appears more credible: he attacks the *delator* whether he is rich or poor, new man or noble. The broad spectrum of *delatores* from various classes one finds in Tacitus renders him more reliable in assessing their social standing.

Novi homines and senatores

Our sources are generally impatient of new men who tried to make their mark and advance themselves through prosecution. A central reason for this is that the senate jealously guarded its privileges from new men and provincials, something which Augustus had also taken pains to safeguard by limiting their numbers in the senate.¹² Another reason for the hostility our sources show to such men is that a “new man” embarking on a senatorial career depended on the patronage of the princeps – as did knights (*equites*) and freedmen. One could hardly expect them, consequently, always to align themselves with the senate, which was protective of its members.¹³ Raaflaub (1987:19) was indeed correct to note that, were one to undertake a prosopographical study of those involved in *delatio* under the Empire, one would find *novi homines* quite prominent among them. Increasingly under the Julio-Claudians, new men, provincials, and equestrians came to play an important role in the senate, and their numbers swelled; while this is reflected most starkly in the likes of a Sejanus or Seneca, it is no less evident among *delatores*.¹⁴

Numerous instances of *novi homines* who tried to make their reputation through *delatio* under Tiberius (and even before, as with Cassius Severus under Augustus) are attested in our sources (see Table 2.1). Among these there were some who were notable successes, and who provoked the animosity of men such as Tacitus, who resented advancement through such means.¹⁵ Tacitus’ initial presentation of a *delator* in the *Annales* is characteristic of the type of class prejudice which surely informed senatorial opinion. The *delator*, a *novus homo* (either Romanus Hispo or Caepio Crispinus), accused Granus Marcellus, a corrupt governor of Bithynia, of *maiestas* and *repetundae* in 15; Tacitus describes the *delator*, in this instance, as poor (*egens*), obscure (*ignotus*), and restless (*inquietus*).¹⁶ He endangers the most illustrious members of society (*clarissimo cuique periculum facessit*) and rises from poverty to wealth in the process (*ex pauperibus divites*). As Sinclair has recently remarked (1995: 11–13), Tacitus’ depiction of the *delator* here is intentionally typological. The *delator* becomes a *genus*, readily identifiable as a marginalized individual out to destroy his betters. Similarly, Tacitus portrays Brutteditius Niger, a client of Sejanus’, as a rising star who, involved in 22 in the case against Silanus, a corrupt governor of Asia, advances at the expense of his betters:

Haste was inciting Brutteditius Niger, well endowed with noble qualities and, had he but followed a straight course, destined to achieve everything that was most honorable, until he made ready to outstrip his equals, then his superiors, and finally his own hopes: this was a thing that destroyed many who, rejecting the slow but safe path, hurried along a road which bears immediate but destructive fruit.

(Tac. Ann. 3.66.5–6)

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Table 2.1 *Novi Homines* ("New Men") as *Delatores**

<i>Accusator/Delator</i>	<i>Office held in wake of prosecution</i>
Abudius Ruso	
Ancharius Priscus	
C. Anicius Cerialis[?]	
Annius Faustus	
Antistius Sosianus	
Antonius Natalis	
Arrius Varus	<i>primum pilum</i> (?)
(L?) Aruseius	
Avillius Flaccus	praefect of Egypt (32/3–40)
Baebius Massa	
Bruttedius Niger	
(C?) (Magius?) Caecilianus	
Caelius Cursor	
Caepio Crispinus	
Cassius Severus[?]	
Ti. Catus Silius Italicus	consul <i>suffectus</i> (68) (?)
Cervarius Proculus	
C. Cestius Gallus	consul <i>suffectus</i> (35)
Cestius Severus	
T. Clodius Eprius Marcellus	
Considius (L. Gallus?) (Proculus?)	
Considius Aequus	
Cornelius (Crispus?)	
Cossutianus Capito	
Cn. Domitius Afer	praetor (26)
Fabius Romanus	
A. Didius Gallus Fabricius Veiento[?]	
Firmius Catus	praetor (17)
Fonteius Agrippa	praetor (17)
Julius Celsus	
Julius Marinus[?]	
Junius Lupus	
Junius Otho	
L. Lucanius(?) Latiaris	
Mettius Carus	
Nonius Attianus	
M. Opsius	
Ostorius Sabinus	<i>quaestoria insignia</i> (66)
C. Paccius Africanus	
Petillius Rufus	
L. Pinarius Natta	
M. Plancius Varus	
M. Pompeius Silvanus Stabirius Flavinus[?]	
M. Porcius Cato	consul <i>suffectus</i> (36) (?)
Publicius Certus	<i>praefectus aerarii Saturni</i> (96) (?)
Romanus Hispo	
Rufrius Crispinus[?]	<i>insignia praeturae</i> (48) (?)
Salienus Clemens	

Accusator/Delator	Office held in wake of prosecution
Sanquinius(?)	
Sariolenus Vocula	
Satrius Secundus	
Servilius (Tusculus?)	
(L.?) Sextius Paconianus	
P. Suillius Rufus	
Tarquitiu Priscus	propraetor of Bithynia-Pontus (ca. 60) (?)
Terentiu Tulliu Geminu	
Valeriu Largu	
Valeriu Ponticu[?]	
Q. Veraniu	
Vibiu Crispu	
(C?) Vibiu Serenu	
(N.?) Vibiu Serenu	
L. Vitelliu the Elder[?]	

* Blank spaces in the above table indicate that no office was known to have been held in the wake of a prosecution.

Bruttedius, a young man fresh from the aedileship and hoping to advance his career, had to look to a patron who was sympathetic and from whom he could expect promotion. Sejanus, himself an *eques* and a *municipalis* (i.e. from a city in provincial Italy), was a natural place to seek such patronage.¹⁷ The case was no doubt the same for Bruttedius' partner in prosecution, Junius Otho. Tacitus paints him as a mere schoolmaster who, also looking to Sejanus for advancement, besmirched his already obscure origins by what Tacitus viewed as a rash undertaking (Ann. 3.66.4). Tacitus goes out of his way to marginalize both Bruttedius and Otho, in terms of class, status, profession, and ethos. Domitius Afer is a similar case in point. Tacitus introduces him during the prosecution of Claudia Pulchra, Agrippina the Elder's cousin, in 26; he presents him as one of modest means, who undertook accusations because of his poor economic circumstances, and who, like Hispo, was poor (*egens*).¹⁸

Our sources for *novi homines* involved in this activity under Gaius and Claudius are virtually non-existent, but the situation was likely unchanged, since during the reigns of Nero and the Flavians we continue to find men of low status rising through the ranks, much to the chagrin of our sources.¹⁹ Two of the most famous instances of *novi homines* progressing through the *cursus honorum* (i.e. the series of offices a young and rising Roman senator was expected to hold) include Eprui Marcellus and Vibiu Crispus, who made their names under Nero and continued to flourish afterwards. Their obscure origins are noted, with a certain sense of pride, by M. Aper, himself a *novus homo*, in Tacitus' *Dialogus*:²⁰

I would dare to state that this Eprui Marcellus whom I just now discussed, and Vibiu Crispus ... are no less known in the furthest regions of the earth than they are at Capua or Vercellae where they are said to

have been born ... For the more lowly and abjectly they were born and the more noteworthy their poverty and the straitened circumstances that surrounded them at birth, the more distinguished and illustrious examples they make for showing the usefulness of oratorical eloquence, because without birth to recommend them, without material resources, with neither outstanding for moral character and one despised for his physical demeanor as well, already they have been for many years the most powerful men in the state and – as long as they have liked – the leading men of the forum, they now as the foremost men in Caesar's friendship perform and conduct all things, and are esteemed with a certain reverence by the princeps himself.

(8.2–3)

The passage is an important one. It reveals not merely the prejudices of the author, but, very likely, the opinion current among senators concerning Eprius, Vibius, and their kind. Aper commended them precisely because of the prejudicial circumstances both had overcome to rise to the very top of society. Their contemporary, M. Aquilius Regulus, who started his long career under Nero and continued to thrive under the Flavians, offered his enemies with yet another example of how *delatio* could exalt a man of allegedly low birth to a much higher level. The words of Pliny are telling:

Look at Regulus, who proceeded through disgraceful means from poor and modest circumstances to such great wealth that he said to me, when he was reckoning how quickly he would be worth 60,000,000 sesterces, that he had found a double set of entrails, which he took to portend that he would be worth 120,000,000.

(Ep. 2.20.13)

A similar imputation of humble origin is made against the Domitianic *delator* Baebius Massa; himself an *eques*, Juvenal's scholiast lampoons him as a buffoon at Nero's court, who later rose to the top under Domitian (*schol. ad Juv.* 1.35). An element of class conflict also surely enters into Tacitus' description when he describes Massa as destructive to anyone of outstanding character (*optimo cuique exitiosus*, *Hist.* 4.50.2). Of equally low birth were the Neronian *delatores* P. Egnatius Celer and Antistius Sosianus; Tacitus refers to both as base (*vilis*, *Hist.* 4.10; cf. 4.44.3).

The satirist Juvenal, similarly, attacked P. Egnatius Celer, not so much for his low as for his foreign birth (as a Greek from Syria), who profited from Barea Soranus' fall in 66 (3.116–18): "An old Stoic *delator* who was raised on the bank of that river where Pegasus' wing descended, killed his friend and pupil Barea." The important point for Juvenal, and one that puts Celer into the category of lowborn *delatores*, is that his Greco-Syrian origins reduce him to an outsider. Provincials, in particular Greeks, who made their way by such means were

notorious and invariably evoke the displeasure of our sources, although most were freedmen working for the imperial household (and in Juvenal's case the "Greekness" of some *delatores* may be a mere rhetorical flourish playing on Roman prejudices). Some, however, must have worked on a more independent level, like Celer. The numerous Greek *delatores* active in Rome in the middle of the first century were enough to provoke the ire of Umbricius in Juvenal's third satire, where he rails against Greek *delatores* on the make at the expense of "real" Romans (3.119–25). It is hard not to believe, even in the face of Juvenal's rhetorical exaggeration, that he is not reflecting, like Aper, a genuine (and pervasive) social bias.

Although the *delatores* noted here are admittedly few, the actual numbers of *novi homines* involved in this activity were, relatively speaking, by no means small (see Table 2.1). There was an important dynamic behind the response to men such as Romanus Hispo and Eprius Marcellus who were fortunate enough to further their careers. To help themselves along within the new system, the likes of Junius Otho and Romanus Hispo will have conformed to it in order to advance or even simply to maintain their position under the new order.²¹ This is not to excuse the occasionally malicious behavior of *delatores*. It is merely to note that ultimately, as the role *novi homines* played as *delatores* shows, purely political or financial explanations do not adequately explain why new men undertook accusation.²²

Senatorial feeling against *delatores* of lower status was indeed harsh, yet if Pliny could speak of a servile war (*bellum servile*) based on ingrained class prejudices against slaves who informed against their masters, Seneca the Younger could speak in terms of a *bellum civile* within the senate after Sejanus' fall (*Ben.* 3.26.1). There is no doubt that senatorial unity in the face of the emperor, the senate's occasionally putative enemy, was a significant concern for the likes of Tacitus and Pliny. Under Augustus, it was thought that the senate would stand shoulder to shoulder when it was turned into a court with the mistaken expectation that senators would protect their own; indeed, senatorial solidarity and protection against members of the lower orders appears to have been a significant concern in transforming that body into a legal institution, if we can trust Dio.²³ The move had unintended and unforeseen consequences, with senator attacking senator for numerous reasons; in the process, the notion of the senate as a unified body was at times seriously challenged.²⁴ Paradoxically, at the same time a myth of senatorial solidarity (which on a certain level never did or could exist in the fiercely competitive environment of Roman politics) was established with a view to confronting the common opponent(s) of all, the princeps and his helpers.²⁵ Those who broke the façade of senatorial unity are generally (and often unfairly) excoriated.²⁶ Time and again, however, the ancient dynamics motivating the prosecution of senator against senator in the Republic – enmity, factionalism, and political advancement – reared their ugly heads. As such, the senate played into the hands of the princeps, since he could deflect resentment away from himself onto members of the senate.²⁷ Yet an

emperor had to conduct a careful balancing act: he had to protect the senate from itself, to prevent many internal conflicts and petty quarrels from decimating the talent pool from which the emperor drew imperial administrators.²⁸

This is something we find in particular under Tiberius. Tacitus expresses shock that Aemilius Scaurus, of ancient and aristocratic family, besmirches his ancient lineage by assisting in the prosecution of a fellow senator, Junius Silanus, in 22. His lead was followed by P. Cornelius Dolabella, who was one of the accusers of Quintilius Varus (in 27), and Tacitus (*Ann.* 4.66.2) expresses disgust that he would attack a member of his own class (not to mention family).²⁹ The numerous recriminations within the senate late in Tiberius' reign led Seneca the Younger to refer to Tiberius' post-Sejanus period as a civil war (*bellum civile*); Tacitus does not paint as dark a picture, but he certainly indicates that cannibalization took place, with even the foremost men of the senate (*primores senatus*) undertaking the most degrading accusations (*infimas delationes*, *Ann.* 6.7.4). It was Claudius who next tried to reestablish both internal concord within the senate and concord between senate and princeps. To that end, he started his reign by ordering the burning of documents preserved from the time of Gaius to prevent further denunciations against senators, canceled Gaius' acts including the *lex maiestatis*, recalled exiles, and restored property to those from whom it had been confiscated.³⁰ He tried to check animosity further by conducting accusations in the imperial bedchamber (*intra cubiculum*), something which, while it may have promoted senatorial solidarity, did not, ultimately, make for good relations between senate and emperor. Levick traces a hardening of relations between Claudius and the senate back to the accusation of Valerius Asiaticus, an ex-consul, *intra cubiculum*, where Suillius Rufus, *inter alios*, acted as prosecutor.³¹ Similarly, as Nero's relations with the senate deteriorated towards the end of his reign, senatorial operatives took advantage to attack fellow members; hence Curtius Montanus, in his invective against Regulus in 70 (while he intimates that the desire of a senator to maintain his status is an acceptable excuse for the accusation of a fellow senator), assails Regulus as having gone too far, since Regulus chided Nero with chipping away at the senatorial order, rather than eliminating it at a single blow (*Tac. Hist.* 4.42.4). In the passions that swept through the senate in the wake of Nero's fall after Vespasian's succession, those involved in the prosecutions of their fellow senators and who had not stood with the senate as a body against Nero were duly punished.³² Known *delatores* who swore on oath that they had not willingly prosecuted fellow members were expelled, an episode revealing the value the senate put on class solidarity.

It is not hard to understand why senators would be sensitive to class unity. Emperors could give senators a chance to show their loyalty by giving them the opportunity to accuse their fellow senators, something Suetonius notes Domitian had done (*Dom.* 11.2). It was risky business. We need only look at the case of Publicius Certus, whom Pliny prosecuted in the wake of Domitian's demise on the grounds that, through his denunciation of Helvidius Priscus the

Younger, he had breached his duty as a senator towards a senator, as a praetor towards a consular, and as a judge towards the accused (Plin. Ep. 9.13.2).³³ When it came time for Pliny himself to prosecute his fellow senator, Marius Priscus, for *repetundae*, he found it hard to speak against him despite his apparent guilt (Ep. 2.11.12–13). Perhaps nothing throws into greater relief the class conflicts involved in *delatio* than the way Pliny presents the same phenomenon among provincials: delation by provincial against provincial does not appear to cause an ethical dilemma for Pliny; for him it is strictly a business matter. Legalities, the maintenance of civic order, these are the concerns that preoccupy him in such instances.³⁴ It was the accusation of fellow senator against fellow senator which caused misgivings, and eventually legislation was passed prohibiting the most distinguished (*clarissimi viri*) from prosecution, though how effective such codification was (as well as its more precise nature) falls out of the range of the present discussion.³⁵

Freedmen and courtiers

It is not until the reign of Gaius and later, under Claudius, Nero, and Domitian, that we find freedmen (*liberti*), usually from the imperial house, acting as *delatores*; they are, however, among the most notorious and there are several factors that intersect to account for this. First and foremost, in terms of status, freedmen theoretically fell well below senators, including *novi homines* and *equites*, in the social scale. On the other hand, they were, potentially, members of the imperial house, a part of the princeps' household (*familia*); as such, they will have had relatively free access to the most powerful man in the state, and simultaneously will have been obligated to show their *fides* to him by protecting his interests and security.³⁶ Since any conspiracy or other serious crime against the princeps was also a conspiracy against his house and *familia* as a whole, an imperial freedman – like any other freedman – was obliged to protect his former master (*dominus*), who became his patron (*patronus*) after he obtained his liberty. Consequently, they will have also had a place in the divisive politics that could set the princeps and senate at loggerheads; they could also help to deflect resentment away from the princeps, bearing the brunt of it themselves, as appears to have been the case for Narcissus under Claudius. *De facto*, this meant that imperial freedmen functioned on a much higher political plain and had much greater power than they had ever enjoyed previously, and their newly acquired influence was particularly vexatious to senators, since the freedmen's power was disproportionate to their low social status.³⁷ Adding fuel to the fire on the opposite scale, freedmen outside the imperial house who had the misfortune to have a master who conspired against the emperor will have faced a cruel execution. In at least one instance we know that this was a deciding factor for a freedman to betray his *dominus*, but there must have been other such cases, given the penalty freedmen will have faced along with their masters.³⁸ Technically *liberti* were expressly forbidden from

accusing their patrons, although there was a notable exemption for cases of *maiestas* that probably extended to other related crimes, such as conspiracy.³⁹ Our evidence for this, however, is considerably less than for the numerous *liberti* who, comparatively speaking, proliferate in our sources between the reigns of Gaius and Domitian (see Table 2.2 for *liberti* and provincials involved in delation).

There were two notorious freedmen whose involvement in delation is attested under Gaius; we have it on good evidence that Helico and Protogenes had a hand in denouncing and/or prosecuting under him, though in what capacity is not entirely certain. It is not until Claudius, however, that the freedman Narcissus, while usually not considered a *delator per se*, certainly was active in prosecutions. Our sources indicate that he first acted as prosecutor against those involved in Camillus Scribonianus' revolt in 42.⁴⁰ In the case of C. Appius Silanus, held *intra cubiculum*, it was Narcissus and Messalina who persuaded Claudius to commit him to summary execution, and we would do well to remember that Tacitus presents Narcissus' denunciation of Messalina herself as a *delatio*, impelling others to play the role of *delator*, and he is ultimately rewarded for his denunciation.⁴¹ In addition, while we must remain circumspect concerning the actual number, the author of the *Apocolocyntosis* could impute a majority of the prosecutions and executions of knights under Claudius to Narcissus.⁴² Despite the activity of freedmen acting as *delatores* within the imperial house, Claudius appears to have taken measures against freedmen who acted as *mandatores* (suborners) of *delatores* in general; thus a

Table 2.2 Imperial *liberti* and provincials as *delatores*

Armillatus
Atimetus
Demetrius
Diphilus
L. Domitius Paris[?]
P. Egnatius Celer
Eucaerus[?]
Flavius Milichus [Soter(?)]
Fortunatus
Helico[?]
Heliodorus
Hermarchus
Hilarus
Isidorus
Lampo
Latinus
Narcissus
Norbanus Licinianus
Polydeukes
Protogenes
Sosibius
Timidius

piece of legislation attributed to him which reduced freedmen to servile status if they employed *delatores* to attack their patron (Dig. 37.14.5).

Nero initially reacted against the power of the freedmen in Claudius' court.⁴³ Nonetheless, during his tenure, the number of freedmen who acted as *delatores* appears to have increased, and freedmen had a place in many a palace intrigue. Hence we find Atimetus, a *libertus* of Nero's aunt, Domitia Lepida, involved in the (unsuccessful) *delatio* of Agrippina the Younger in 55; it was Atimetus who urged the actor, Paris, in turn to denounce Agrippina to Nero. Admittedly, Atimetus was not of the imperial house, but he did act on behalf of one of its members, his mistress (*domina*) Domitia, an imperial rival of Agrippina's. Eucerus is the first retainer of the imperial house under Nero we find suborned to act as a *delator*, denouncing Nero's wife, Octavia, in 62 as his lover and one who had designs upon the throne (Tac. Ann. 14.60). It was not until several years later, however, in the mid-60s, when freedmen really came into their own; part of the explanation for this is no doubt connected with the deterioration of Nero's relationship with the senate at this time. There is, as well, the increasingly repressive nature of Nero's regime, which at times motivated freedmen from other households to denounce their masters. Hence in 65, Milichus, a freedman of Flavius Scaevinus' (a co-conspirator of Piso's), denounced the Pisonian conspiracy to Nero (Tac. Ann. 15.54; 15.71.3). Tacitus excoriates him as one of servile spirit (*servilis animus*) who thinks only of treachery (*perfidiae*) and adapts the disposition of his wife, whose advice to betray his master is "befitting a woman and worse" (*muliebre ac deterius*, Ann. 15.54.6). Fortunatus was yet another freedman (of L. Antistius Vetus, the consul of 55) who accused his patron in 65. Tacitus assails Fortunatus' treachery; in this particular instance, Tacitus no doubt found particularly offensive the very public nature of the social clout Fortunatus earned for what Tacitus sees as his betrayal, to wit, a place in the theater among the official attendants of the tribunes (*inter viatores tribunicios*, Ann. 16.12.2). We should be skeptical of Tacitus' rhetoric in this instance. As already noted, a motive for the denunciation of both is not hard to find, and Milichus offers us a classic example: as Rudich points out, the authorities would deal harshly not just with the conspirators, but with their entire households, subjecting the more humble of its inhabitants to torture and death, and there was good reason to suspect Vetus of wrongdoing.⁴⁴ What Minucius Thermus' offense was, on the other hand, which led an anonymous freedman belonging to Minucius to denounce him to Tigellinus, Nero's praetorian praefect, is unknown – but it led to Minucius' demise (Tac. Ann. 16.20.2).⁴⁵ No specific accusation can be attached to Vatinius, who, though not of servile or freedman status, was close; a physically deformed Philistine *par excellence* who was reared in a shoemaker's shop (*sutrinae tabernae alumnus, corpore detorto*), he was considered among the foulest creatures at court (*inter foedissima eius aulae*) who soon gained power through denunciations of the best of men (Tac. Ann. 15.34.3).

As Nero's reign progressed and his relationship with the senate reached a nadir, freedmen were increasingly given *carte blanche* in prosecutions. While

Nero was in Greece in 67, one of his freedmen, Helius, brought a number of men to trial, including Sulpicius Camerinus, on the grounds that he refused to give up his cognomen of Pythicus, something viewed as a slight against Nero's victories at the Pythian games (Dio 63.18.2). Pythicus was executed together with his son; unfortunately, Dio does not tell us if a formal charge was laid before the senate or if it was a trial within the imperial palace. We also know that Orfitus and the Scribonii fell while Helius was in charge; *delatores* such as Vibius Crispus and Aquilius Regulus will have worked in association with Helius in orchestrating their demise.⁴⁶ In addition, in the wake of Nero's fall, Polyclitus, Patrobius, Petinus, Helius, Halotus, and Narcissus, all hated freedmen, were paraded in chains through the streets before execution; given that they are in the company of Helius, one suspects that we have only a glimmer of what was perhaps a larger number of freedmen who acted as *delatores* under Nero.⁴⁷

The punishment of Nero's freedmen appears to have done little to discourage the activities of freedmen under subsequent emperors; unfortunately we have only scant detail. We know that in the year following Nero's death, one of Vitellius' freedmen, Hilarus, denounced Cluvius Rufus, to little effect.⁴⁸ It was under Domitian that the humble freedman and unsavory courtier reemerged. Regrettably characters such as Latinus and Heliodorus, mentioned in Juvenal or the dubious source of his scholiast, come down to us as little more than names.⁴⁹ That they were equally active outside the imperial house (as was Milichus under Nero) Pliny indicates by a remark in his *Panegyricus*, that under Trajan *pietas* (dutiful respect) had returned to the *libertus*, who no longer denounced his patron.

Slaves and women

Breach of the social order by slaves, as is the case for freedmen, is given particular attention by our imperial sources, such as Pliny, who, as already remarked, looked back to the reign of Domitian as a *bellum servile*, when slaves made a "regular habit" of denouncing their masters.⁵⁰ Tacitus attests to a similar situation under Domitian, hinting that slaves who did not denounce their masters were the exception rather than the rule (*Hist.* 1.3.1).⁵¹ The chief difficulty in reaching any understanding of the role of slaves in delation is complicated by the apparent want of legal consistency regulating their place in it. Under the law slaves could face harsh penalties for accusing or informing against their masters and could not, technically speaking, be *delatores*; at times, however, this rule was suspended, and they could earn cash rewards, manumission, or both, for bringing a serious charge to the attention of the magistrates.⁵² Such inconsistency was little changed from the Republic. Moreover household slaves – whether under the Republic or Empire – will have had opportunity for delation and the rewards it offered, or at least offered the *delator* a resource for information, particularly in cases, one can imagine, of conspiracy and adultery.

It appears, however, that in order to skirt the law emperors, such as Augustus and Tiberius, were not above selling slaves to the imperial treasury in order that they might turn informer without penalty. Whether this was a consistent principle throughout the Principate our sources do not indicate, but given the precedents of Augustus and Tiberius there is no reason to disbelieve that such was the case.⁵³ It appears that the general rule of punishing slaves who informed against their masters was in effect until relatively late in the reign of Augustus; it was only in AD 8, with the law for libel, contends Bauman, that slaves began to have a more prominent role in *delatio*, and our sources state that rewards were paid to informers under this law whether free or slave.⁵⁴ Instances in which slaves denounced their masters for charges that could be prosecuted under the *lex maiestatis*, however, supposedly entailed no punishment for the slave (Paul. Sent. 5.13.3). The historical record indicates that the use of slaves as informants was something that was at the discretion of the princeps, and a seasonal cycle arises of slaves who inform against their masters in one regime facing punishment in the next.

Dio, for example, notes that Tiberius was quite willing at times to accept accusations indiscriminately, including those of slaves against masters.⁵⁵ The same charge is leveled against Gaius, who even allowed one of his slaves (possibly, though, at his instigation) to prosecute his uncle, the future emperor Claudius, and who, at least according to Josephus, allowed slaves to denounce their masters frequently.⁵⁶ What is perhaps indicative of the prevalence of slaves under both Tiberius and Gaius is Dio's statement that Claudius took special pains to get rid of slaves and freedmen who had informed against their masters or bore false witness against them (60.13.2). This did not stop Narcissus and Messalina, however, from employing slaves and freedmen against their masters later in Claudius' reign (Dio 60.15.5). Again, upon Nero's coming to power, he started out with the promise to break the power of the accusers; implicit in this promise was the prohibition of slaves informing against masters. At least in the beginning, Nero was true to his word, for he forbade the prosecution of Carrinas Celer based on the denunciation by one of his slaves (Tac. Ann. 13.10.3), though towards the end of his reign we find Nero's nefarious praetorian praefect, Ofonius Tigellinus, enticing one of Petronius' slaves to denounce him (Tac. Ann. 16.18.5).⁵⁷ Between Nero and Domitian there is a lengthy gap in our information. Reports concerning Domitian indicate that initially he was very harsh towards slaves who informed against their masters, something which might indicate that denunciations continued, if not during Vespasian's, then certainly during Titus' reign (Dio 67.1.3). This state of affairs did not last long however, and, as is well attested, Domitian is reported to have tapped slaves as a resource of information against their masters.⁵⁸ With the advent of Domitian's two successors, Nerva and Trajan, slave informants were checked, and Pliny could look back to the time of Domitian as one of open class antagonisms:

You freed all from the accuser in his own house and by this one sign of public safety, as I said, you put an end to that servile war ... nevertheless, these things are pleasing for those remembering that princeps who suborned slaves against the lives of their masters, and who pointed out the charges which he wanted punished as if they had been denounced, a great and inescapable evil necessary for each man to undergo, as often as anyone had slaves similar to the emperor.

(Pan. 42.3–4)

He looks at his own time as one in which obedience (*obsequium*) had been reasserted over *servi* (Pan. 42.2). The social hierarchy was once again restored – surely a great relief to Pliny and his fellow senators. We should hesitate, however, to throw in our sympathies entirely with the senators in this instance. One can scarcely blame slave informants for denouncing their masters. An incident related in Ammianus Marcellinus, albeit well beyond our period, is instructive. In 396 a slave named Sapaudulus denounced his mistress and her paramour for adultery; the reason for Sapaudulus' denunciation was that his mistress had previously beaten his slave wife. As Bradley points out, "revenge was clearly at play in the act of informing."⁵⁹ There must have been numerous instances that we do not have in detail, where ill-treated slaves had had Tacitus' or Pliny's high-minded notions of *fides* soundly thrashed out of them on frequent occasions.

Among all the groups about which our sources have anything to say, we are perhaps the least well informed concerning the role of women in this activity. Indeed, while there are numerous instances of the word *delator* scattered throughout Latin texts, there is no corresponding feminine form, *delatrix*.⁶⁰ What little our sources tell us concerning their role in accusation is very limited. This is due in no small part to the simple fact that women were not legally allowed to act as a prosecutor, although they could have a prosecutor bring up their case for them.⁶¹ There is one relatively famous instance, however, in which two women are suborned to undertake a *delatio*, and that is during the fall of Messalina, when two of Claudius' concubines (*paelices*), Cleopatra and Calpurnia, are induced by the freedman Narcissus to accuse the empress in return for cash and access to the emperor.⁶² Arguably, however, this could represent just the most minute scratch on a much larger phenomenon lurking below the surface. "Pillow talk" may have given women of their status ample opportunity to approach the authorities at least to get an investigation in motion as a preliminary to a prosecution.⁶³

Financial rewards

In Roman society one's social status was invariably linked to one's economic and political status. The link between *delatio* and the opportunity it offered for advancement was, consequently, bound to find disapproval in our sources, since

economic gain, provided it was sufficient, could bring political and social clout to marginal members of Roman society. Indeed, one of the essential characteristics distinguishing *delatores* from so-called legitimate orators and advocates is their alleged profit motive. Hence Syme has asserted that under the Principate a profit incentive was set in place for orators who successfully accused others, and Rudich, more recently, has remarked that “an Imperial politician embarking on a career as a *delator* had to be prepared for both rapid and extraordinary enrichment.”⁶⁴ Indeed, the premise that *delatores* were, by definition, those who made financial gain through accusation underlies more than one scholar’s discussion concerning the literature, culture, and politics of the first century AD, and this is understandable, given the way our sources depict *delatores* as money-hungry.⁶⁵ There is, in addition, a general social stigma against making money – whether as an accuser or defender, through “mercenary eloquence.”⁶⁶

The assessment wants modification. The imputation of a profit motive is just that, an imputation or surmise concerning the motive on the part of *delatores* by our sources when, while money may constitute a motive (see below, pp. 40–4, for the set awards for successful prosecution), it is not necessarily the only incentive for a prosecution. There is also the consideration that, while there can be no doubt that some did make “a regular living,” even their fortune, out of *delatio*, no such pattern is discernible in any of the *delatores* to whom we can attach a name, with good reason: the uncertainties surrounding a prosecution were simply too great, particularly prosecutions of an extraordinary or sensational nature, such as those our sources deemed worthy to pass down to posterity.⁶⁷ While a single *delator* could catch a big fish, as it were, prosecuting a very wealthy senator and obtaining a large share of his estate, there was always the consideration that, at times, the reward would need to be shared between the chief prosecutor, his *subscriptores*, and sometimes even the witnesses (something which may have been worked out in the *divinatio*).⁶⁸ In addition, an accusation entailed great risk to one’s financial, social, and political status if the case were lost. Moreover, rewards could vary greatly, and were frequently at the discretion of the senate or emperor. In general, the impression that large sums of money were granted is attributable to the fact that in most instances of *delatio* about which anything is known, it is a senator who is attacked. Given that senators were part of a wealthy elite whose property will sometimes have been confiscated in the wake of their condemnation, it is little wonder that we take away an impression that *delatores* were out for big profits. This is something that has been exploited by our sources, creating a distorted perception on the part of contemporary scholars.

For example, in the wake of the prosecution of Thrasea Paetus, Tacitus tells us that Eprius Marcellus received the astonishing sum of 5,000,000 sesterces for his efforts. He does not tell us from where the sum was paid: was it out of Nero’s purse in addition to Thrasea’s confiscated estate? Presumably so. There is no ruling out, however, that Eprius was paid out of the *aerarium* or *fiscus* from the proceeds of Thrasea’s confiscated goods, a standard method of payment for

successful prosecutions of *maiestas*. Whatever the case might have been, consider: Epius Marcellus was a wealthy senator, worth nearly 200,000,000 sesterces. That is indeed a vast sum of money. Now, we have no statistics concerning the average wealth of senators; their assessment was 1,000,000 sesterces to attain senatorial status, but most were probably worth substantially more than that.⁶⁹ If we consider that Pliny the Younger's assets were worth probably about 20,000,000 sesterces and that he was an average senator in terms of wealth, and if we consider that at least one-fourth of their worth then went to the accuser in important cases such as those for *maiestas*, but that this amount was perennially exceeded, then rewards of 5,000,000 sesterces or considerably more will not have raised an eyebrow.⁷⁰ And this is a very conservative estimate; in many cases, no doubt, we could easily double it and still come within range of rewards paid out to accusers who gained the legal portion of the goods of the condemned (*bona damnati*). The term "average" however must be understood to mean "average" within the context of the uncertainties surrounding an accusation and in terms of those cases which were probably extraordinary. Since many rewards were discretionary, or would vary according to the wealth of the accused, a prosecutor worked, in essence, on contingency.⁷¹

Similarly, we must not be taken in by the seemingly overwhelming testimony of Tacitus, Seneca the Elder, and Quintilian that oratory had been prostituted by accusers out for profit. If we find profit motive at work under the Principate, we find it at work in the Republic as well. Indeed, Tacitus himself, as we shall see, throws into question his own assessment of eloquence as something that had become a "for-profit" venture under the Empire. In neither period does the nature of our evidence allow us to assert a fixed principle concerning remuneration, but it does allow us to conjecture that little had changed between the two periods: efforts to limit cash rewards, certain laws with fixed rewards (*praemia*), and extraordinary rewards for informants and prosecutors in extraordinary circumstances always had their place in Roman society. Ultimately it was not the nature of the rewards that had changed so much as those who earned those rewards, and it is this, in part, that our sources find so irksome.

The Republic

As early as Plautus we find a notorious type of profiteering advocate known as a *quadruplator*. At the time Plautus is writing, however, it is difficult to make any definite assertion concerning the role of the *quadruplator*, although it is clear by the time that the author of the *Rhetorica ad Herennium* and Cicero are writing, that their reputation had gone from bad to worse. In the *ad Herennium*, *quadruplatores* are akin to thieves and assassins: "A *quadruplator*, to write in brief, is deadly; he is in fact, an impudent and destructive citizen. For nothing more applies to the definition of a *quadruplator* than that of thief, assassin or traitor."⁷² The only text we definitely have which shows a *quadruplator* in action, however, is Cicero's *in Verrem*, where Verres employs a *quadruplator*,

Naevius, to make a false claim on behalf of the temple of Venus Erycina for an inheritance belonging to a third party (2.22). Cloud (1992: 185–6) conjectures that the type of action taken by Naevius could reflect that taken by aggrieved would-be beneficiaries who, disappointed in their expectations for an inheritance, would bring suit against legatees with an eye for lucre. Cicero uses the word to refer to a malicious or even false prosecutor (*calumniator*) of the sort Naevius was. Their aim was to turn a profit.⁷³

As concerns rewards for prosecution, there is little testimony until the second century BC, and it tends to be vague at best.⁷⁴ What the rewards consisted of, moreover, is a matter of great contention. Were the rewards monetary, or were they political in nature, entailing advancement in office?⁷⁵ Was the advocate(s) rewarded, or the plaintiff(s)? Terms our sources use, such as *praemia* (rewards), *honores* (repute or preferment), or *spolia* (booty), are not particularly helpful, since such words could conceivably refer to rewards of political offices, the winning of political prestige, financial rewards or all of these. Thus, in Tacitus' *Dialogus*, it is by no means certain whether Maternus, in referring to the great rewards (*magna praemia*) which went to orators under the Republic (and, he says, had fallen into abeyance in his day), is referring to offices or money.⁷⁶ In a similar vein, Cicero could refer to the prized rewards of eloquence (*tanta praemia eloquentiae*) as well as the *spolia* which could accrue to the successful prosecutor in the same way Suillius could refer to the rewards of one's efforts (*studiorum pretia*) for *delatores* a century later.⁷⁷ However, the evidence, which has recently been collected and assessed by Alexander, is enough to assert some general principles. First, it appears that the cash rewards associated with prosecution depended upon the law under which an individual prosecuted.⁷⁸ Alexander has plausibly argued that there were very likely cash rewards under the *lex Licinia de sodaliciis* (*de ambitu*, i.e. the Licinian law on electoral corruption), although we have no specifics on the amount.⁷⁹ Again, with no further details than generalized references to *praemia*, Asconius tells us that prosecutors also could receive cash rewards under the *lex Pompeia de ambitu*.⁸⁰ Rewards were also in place for those who prosecuted for *repetundae*, and these will have likely been monetary.⁸¹ It appears, at any rate, that during the preliminary hearing in the case against Verres the question of monetary compensation arose among the prosecutors.⁸² Finally, certain laws against the use of violence (*de vi*) will have almost certainly offered cash rewards: Cicero therefore remarks that Milo prosecuted Clodius *de vi* in 57 BC although there were no rewards forthcoming.⁸³ It seems very likely, as well, that such rewards will have been paid out of the proceeds of the property of the condemned.⁸⁴

It is worth noting that legal advocacy, both for the defense and for the prosecution, was rewarded on a less formal basis as well. We know that when Cicero defended Sulla in 62 BC he received a loan of 2,000,000 sesterces and probably never repaid it.⁸⁵ Some of Cicero's fortune was from inheritances and legacies which clients bestowed on him in return for legal services. In 69 BC he received unspecified gifts from the Sicilians for his prosecution of Verres, and in

60 BC he received a gift of books from L. Papirius Paetus, possibly in return for acting as his advocate at some point.⁸⁶ M. Licinius Crassus also reportedly made profits from legal advocacy according to Cicero, who also notes that a certain C. Staienus did the same.⁸⁷ In such instances, those who benefited from an advocate's legal services will have been showing their loyalty (*fides*) towards one who had done them a good turn; it was a *quid pro quo*.

There is further testimony, too, which surely indicates that prosecutors could earn money from their trade during the Republic. Indeed, the *lex Cincia* which limited the fee for advocates was not a product of the Principate but of the high Republic, passed in 204 BC, and was intended even then, according to Livy, to check the greed of orators (presumably for both the prosecution and defense).⁸⁸ Moreover, Dio tells us that the law had fallen into abeyance in the Late Republic, and that Augustus reintroduced it in 17 BC, indicating that advocates' profits were excessive even then (54.18.2). The extraordinary rewards paid out in the imperial period to prosecutors also had ample precedent: during the prosecutions which took place in the Sullan proscriptions accusers were rewarded either with the actual confiscated goods of the proscribed, or from the proceeds of proscribed goods and estates sold at auction, foreshadowing the manner in which *delatores* were paid later.⁸⁹ Similarly, a part of the *lex Pedia* offered rewards for the accusers of Caesar's assassins (who were to be tried *in absentia*).⁹⁰ At approximately the same time, cash rewards were offered for informants and prosecutors who rooted out those on the proscription lists of the second triumvirate (App. BC 4.11).⁹¹ Finally, if the Empire could boast an Eprius Marcellus or a Vibius Crispus, Suillius Rufus could cite specific orators under the Republic who got rich off their eloquence, such as P. Clodius and C. Curio, and, as noted above, there were others. It is worth noting, too, that most of the cases to Clodius' credit, at least, are prosecutions.⁹² It is further noteworthy that writers such as Tacitus and Cicero use similar, though for us frustratingly vague language to describe the rewards that went to accusers; it is likely, however, that Romans both from Cicero's and Tacitus' time will have understood what both meant. *Praemia* ultimately refer to both the political and financial rewards (and gifts) won through successful prosecution (and advocacy in general).

The Empire

The money earned by accusers is relatively well attested during the Empire compared to the Republic. As during the Republic, a preliminary hearing (*divinatio*) would take place, and part of that would be to determine how the reward would be divided (Quint. *Inst.* 3.10.3). The accuser had to look primarily to the goods of the accused (*bona damnatorum*) for any remuneration, something with its roots in the Early Republic.⁹³ Since one's finances determined one's political (and, *de facto*, social) status, it was here, where financial rewards awaited the accuser and ruin stalked the condemned, that the

element of class warfare was no doubt felt the most acutely, and the well-to-do would make lucrative targets for those less fortunate; hence, as Levick (1985: 56–7) has noted, an element of class tension was (in a sense) built in through the system of rewards. The *delator* who was poor or, conversely, profligate, provided writers such as Tacitus with a stock motif which allowed them to conveniently deduce the reason behind the *delator*'s attack, to the detriment of other, often more salient motives. Thus Tacitus says that Antistius Sosianus had heard that *accusatores* were earning rich rewards under Nero, and that this motivated his denunciation of Ostorius Scapula and P. Anteius, although there were clearly other factors at work for Antistius (see below, p. 170). Some rewards were set by law, while others appear to have been contingent on the seriousness of the offense; under the *lex maiestatis*, the reward was set at one-fourth of the condemned's property, with the rest going either to the state treasury (*aerarium*) or to the emperor's private purse (*fiscus*), although this amount might have been frequently exceeded.⁹⁴ Remuneration for *repetundae* was less lucrative, since the condemned, while they could face exile, could also keep the lion's share of their property. More serious offenses tended to bring greater remuneration, with discretionary *ad hoc* rewards awarded into the bargain.⁹⁵ It is also often mistakenly asserted that the *lex Papia Poppaea* stipulated the same amount as *maiestas*, with Suetonius' life of Nero cited as evidence: "He reduced the rewards of accusers under the *lex Papia* to one-fourth."⁹⁶ But this is no indication of the original reward; does this mean one-fourth of the original amount (whatever that was) went to the accused, or does it mean one-fourth of the condemned's entire estate?⁹⁷ Finally, it appears that *delatores* were paid out of the *fiscus* or the *aerarium* depending on the offense, the goods of the condemned being first confiscated and then auctioned off, with the proceeds going to the accusers (Plin. *Pan.* 36.1).⁹⁸

The extraordinary *ad hoc* rewards occasionally awarded to the prosecution contribute to an impression that *delatores* were out to enrich themselves at the expense of their fellow senators. The problems of assessment in this area are, again, the vague references made by our sources, which are short on specifics. For example, Dio tells us that under Tiberius, anyone who accused another received handsome financial rewards from the victim's estate and the public treasury as well (*ek tou demosiou*).⁹⁹ However, given that the goods of the condemned were sold at auction and that the proceeds went to the *fiscus* but could also be shared with the *aerarium*, it is possible that Dio is making a distinction between the *aerarium* and *fiscus* where none existed in actual practice, since it was all imperial money. It could be, however, that when the emperor felt his own personal security had been protected, he would feel obliged to award the prosecutor as a patron would a client who had done him a good turn, rewarding the prosecutor's loyalty with something outside the "legal norm." Hence, the equally obscure phrase by Suetonius that, in the wake of Sejanus' fall, extraordinary rewards were voted to prosecutors, but the wording of this passage seems to indicate that these

were voted at the senate's discretion (*Decreta accusatoribus praecipua praemia, nonnumquam et testibus*, Suet. *Tib.* 61.2–3).

We know of only the smallest handful of cases to which names can be specifically attached where rewards may have been out of the ordinary. The first is in 16, with the case of M. Scribonius Libo Drusus, but this is problematic.¹⁰⁰ In addition to rewards of political office, Tacitus tells us that Libo's goods were divided among his accusers (*Bona inter accusatores dividuntur*).¹⁰¹ The precise meaning of Tacitus' remark, and this passage, is a matter of some dispute: was the whole estate divided among the accusers, or did the prosecutors share one-fourth of the estate in accordance with the law? Bauman argues that the whole estate would not have been divided since there was "no parallel for such generosity," but Goodyear conjectures that the whole estate would have been divided, especially were it impoverished.¹⁰² The reward was unusual since it came after the defendant's suicide, and could indicate the gravity of Libo's offense, especially when one considers that it was a general principle, early in Tiberius' reign, to leave untouched the estates of those who committed suicide; given the extraordinary fact that, despite his suicide, the case continued, it is an attractive proposition to think that the whole estate was confiscated. What might tell against this, however, are the subsequent rewards in the form of political office or legal immunity Libo's accusers later enjoyed. At least three out of four of Libo's accusers (possibly four out of four) subsequently profited from their prosecution of Libo legally, politically, and conceivably even, in the case of Fonteius Agrippa, financially.¹⁰³ Also under Tiberius, we know that Domitius Afer was rewarded for his services against Claudia Pulchra, but that he soon squandered it (Tac. *Ann.* 4.52; 4.66). Afterwards there is a substantial gap in our sources.

Indeed, it is not until Nero that we have any hard information.¹⁰⁴ We can only guess at the amount paid to Milichus, Flavius Scaevinus' freedman who betrayed the Pisonian conspiracy in 65; it was enough for Tacitus to remark that he got rich from the reward (*Ann.* 15.71.3). Since he received the title *Conservator* ("The Preserver") and since subsequent rewards were also paid out to other accusers, we can imagine that it was generous. Although we lack specifics, by all indications Vibius Crispus became wealthy, either through prosecution or through successful investments of rewards, or both (Tac. *Dial.* 8.2; *Hist.* 2.10.1). Moreover it was rewards for *delationes* that enticed Antistius Sosianus, according to Tacitus, to denounce Ostorius Scapula and P. Anteius (Tac. *Ann.* 16.14.1). We are better informed concerning the large caches to be had late in Nero's reign, beginning with Thræsea's prosecution in 66, when Eprius Marcellus and Cossutianus Capito were granted 5,000,000 sesterces each for their services, while Ostorius Sabinus, one of Soranus' accusers, was granted 1,200,000 sesterces.¹⁰⁵ We know, too, that P. Egnatius Celer received a generous sum (but again, the precise amount is unknown) for his denunciation of Barea Soranus, something noteworthy (but not unprecedented) since technically he was merely a witness.¹⁰⁶ Regulus also accrued vast sums for his prosecutions of Crassus and Orfitus in 67, while Nero was in Greece.¹⁰⁷ While we have no

precise figures concerning individual prosecutions, Montanus inveighs against the 7,000,000 sesterces Regulus earned under Nero.¹⁰⁸ There are, however, difficulties in assessing the sums Regulus received. First, Tacitus is never clear whether these were the total sums earned from these accusations, or whether these were gifts from the imperial purse earned in addition to the goods of the accused. Second, as has been noted already, if an accuser received one-fourth of the goods of the accused, then, while 5,000,000 is no mean sum, it might not have been as outrageous as Tacitus would have us believe. Only if we understand them to be additional sums, which is by no means certain, would they be unusual under the circumstances.

However, if our sources leave us with the impression that *delatores* were mercenaries out for profit, this impression is arguably balanced by those who were not so fortunate on the financial side of things. In addition to those who could face punishment for *calumnia* (false accusation), there were other circumstances that could result in no recompense for an accuser. Thus in the prosecution of C. Silanus in 22 the accusers were left presumably empty-handed when Cn. Lentulus proposed that the property inherited from Silanus' mother, Atia, be left for his son (Tac. Ann. 3.68). Again, in 37 Junius Otho, as tribune, vetoed a reward voted by the senate to D. Laelius Balbus for his accusation of Acutia (Tac. Ann. 6.47.1). Suicide, too, could cheat a *delator* of his reward, though this may have been dictated – at least early on – more by custom than by law.¹⁰⁹ Indeed, such appears to have been the case under Tiberius until 24, when, in the wake of C. Silius' prosecution for *repetundae* in the province of Asia, a proposal by Asinius Gallus that half the confiscated goods of Sosia, Silius' wife, go to the treasury for auction and the other half to his children, was opposed by M. Lepidus, who argued that a fourth part should go to Silius' accusers "according to the necessity of the law."¹¹⁰ Despite Silius' suicide, which anticipated the verdict, his entire estate was appropriated. A similar case occurred shortly after Silius when Cornutus (who was praetor) anticipated a guilty verdict with suicide after being charged with conspiracy.¹¹¹ The senate, in light of these two recent (and alarming) cases, sought to ratify legally what appears to have been merely a principle until then, prohibiting the confiscation of a suicide's estate. Tiberius, for the moment, thwarted the will of the senate in favor of the *delatores*, arguing that there was no reason to impose what would have been a disincentive:

There was deliberation concerning abolishing the rewards of accusers if anyone charged with treason should commit suicide before their case was completed. The proposal would have prevailed, unless Caesar, very harshly and contrary to his manner, had complained openly on behalf of the accusers that the laws would be ineffectual, the state endangered: it was better that they subvert the laws than remove their guardians.

(Tac. Ann. 4.30.3–4)

This provokes a bitter remark from Tacitus: "Thus *delatores*, a race of men discovered for the purpose of public destruction and not even checked sufficiently by punishments, were enticed through rewards." There is reason to believe, however, that this was a temporary aggravation of the law, and that the two cases were extraordinary in nature.¹¹² In the very next year we find two prosecutors, Pinarius Natta and Satrius Secundus, complaining to the consul when Cremutius Cordus committed suicide before his prosecution ended, asserting that it was a deliberate attempt to deprive them of their reward.¹¹³ Several years later Dio says that the relatively numerous suicides which took place after Sejanus' fall in 31 were motivated by the desire of individuals to preserve their property for their children, since those who chose suicide did not suffer confiscation (58.15.4). Tacitus supports Dio's remark when he says, in a short digression after Pomponius Labeo's suicide in 34, that the estates of those who committed suicide were left intact (Ann. 6.29.2). Furthermore, if we are to believe Dio, even those whose estates were confiscated did not benefit the accusers, the whole going to the imperial purse (58.16.1). From the suicide of Cornutus through the Pisonian conspiracy, there is no record, as far as I am aware, of any *delator* receiving a reward for any case in which a defendant anticipated condemnation by suicide, although there are numerous examples of those who are executed or summarily condemned then forced to suicide whose estates are appropriated. Yet even in the wake of the Pisonian conspiracy (as concerns those directly involved) the only case known is that of Annaeus Mela, who, having been accused by Fabius Romanus, named Cossutianus Capito and Tigellinus as part heirs to his estate, hoping in vain to save the rest of his property.¹¹⁴ Contrary to popular perception, what tends to happen is an individual is summarily condemned then forced to suicide; because the verdict is summary, and the suicide *de facto* could not anticipate condemnation, the property of the condemned is confiscated.

Tacitus' remarks concerning Tiberius' encouragement of *delatores* notwithstanding, it appears that Tiberius and his successors made occasional efforts to limit financial compensation. As already remarked, well before Tiberius, Augustus attempted in 17 BC to revive the *lex Cincia*, already fallen into abeyance in the Late Republic, which ordered orators to give their services as advocates without pay.¹¹⁵ A generation later, in AD 20, excessive delation forced Tiberius to form a commission of inquiry to alleviate the problem (Tac. Ann. 3.28.6).¹¹⁶ Neither Tiberius, nor his successor, took further steps to limit the rewards of *delatores*, and it is not until the middle of Claudius' reign that we find such action taken again.¹¹⁷ Hence, in 47 measures were taken to reassert the *lex Cincia*, which had apparently fallen, once again, into disuse.¹¹⁸ Its reintroduction was precipitated, according to Tacitus, by a notorious incident: an equestrian, Samius (PIR¹ S 119), committed suicide in Suillius Rufus' house when he discovered that Suillius, his advocate to whom he had given 400,000 sesterces, was involved in collusion with the opposing party.¹¹⁹ The incident caused C. Silius, the consul designate, to call for a revival of the *lex Cincia*,

which the *delatores* opposed. The emperor allowed the *delatores* to state their case, and in the end he limited rewards to 10,000 sesterces, with those liable to a charge of extortion (*repetundae*) who exceeded the amount, but the limit did not extend to rewards for extraordinary cases such as treason (*maiestas*), or even *repetundae* for provincial maladministration.¹²⁰ While Tacitus says this piece of legislation was motivated by the sensational case of Samius' suicide, there may have been political motivations as well, since it also came soon after the trial *intra cubiculum* of Valerius Asiaticus. It was conceivably part of a move by Silius intended to check the power of certain courtiers of Claudius, including Suillius, as he allied himself with Messalina in his bid for empire. The inefficacy of the *lex Cincia*'s revival in 47 is revealed by Nero's having to reassert its limitations more stringently at the opening of his reign in 54, when a total ban on gifts for advocates was put into effect by senatorial decree.¹²¹ Nero also reduced the rewards paid to informers under the *lex Papia Poppaea*, although, as already noted, the real significance of this reintroduction is problematic; it is perhaps noteworthy that, in addition to Tiberius and Nero, even the so-called "good" emperor Trajan was at pains to limit the activities of informers under this law, and possibly encouraged confession.¹²² Under that same emperor, interestingly, Pliny indicates that the *lex Cincia* was once again ignored, noting that prior to sitting in court around 105 the praetor, Nepos, announced to all parties in the case that they must swear on oath that no sum had been paid out by or to any other party in the case; his edict provoked both praise and criticism throughout the city (Plin. *Ep.* 5.9.6).¹²³

If there were extraordinary rewards or profiteering in the "bad times" of the likes of Tiberius, Gaius, Claudius, Nero, and Domitian, such profiteering also took place under the Republic and under so-called "good" emperors as well. Under the beloved Titus, Martial could still lampoon imperial patronage of a notorious *delator*.¹²⁴ Even under Trajan, it appears that prosecutors could still make a profit from a case of *repetundae*. Thus Pliny, in his defense of Julius Bassus for *repetundae* in Bithynia-Pontus, could make as his defense a conspiracy of *delatores* (Pomponius Rufus, Varenus Rufus, and Theophanes, the representative of the province) who were out for profit (*Ep.* 4.9.5). In Tacitus' *Dialogus*, Curiatius Maternus was haunted by profit-seeking and bloody eloquence and retired from life as an orator in apparent disgust; it is worth noting that he retired under Vespasian, who "alone of all emperors before him changed for the better" (Tac. *Hist.* 1.50.4). It would appear that mercenary orators were an abiding and stubborn presence in Roman society.

Political competition

The Republic

It has long been held that successful prosecution allowed the accuser to move a notch up the political ladder during the Republic: L. R. Taylor argued that

Cicero's successful prosecution of Verres resulted in his receiving the *toga praetextata* and the right to speak among those of praetorian rank in the senate, and deduced from this a general principle of advancement in *honores* resulting from successful prosecution of one of higher rank.¹²⁵ Alexander has recently argued against Taylor's claim as methodologically unsound; one cannot use the apparently isolated case of Cicero's advancement and extrapolate from it a broadly applicable practice. We only have a few cases on which to go.¹²⁶ Cicero appears to have received the *toga praetextata* and the right to speak among the praetors in the senate after his prosecution of Verres in 70 BC.¹²⁷ We know that Carbo received the consular insignia for his prosecution of M. Aurelius Cotta in 67 BC, but this was an extraordinary reward bestowed at the senate's discretion.¹²⁸ In the following year L. Manlius Torquatus prosecuted the consul designate, P. Cornelius Sulla, under the *lex Calpurnia de ambitu*; while Manlius did not rise to Sulla's rank, he does appear to have been rewarded with his consular insignia.¹²⁹ Around 56 BC L. Cornelius Balbus was allowed to enter the tribe of the *Clustumina* as a reward for a prosecution under the *lex Tullia de ambitu*.¹³⁰ Finally, an inscription from Spain shows that at Urso anyone eligible who successfully prosecuted a member of the local senate obtained his place in it.¹³¹ Beyond these specific instances, some very general principles appear to have been in effect for successful accusers. A successful prosecution could, for example, restore one's political status. Hence, as Alexander notes, a man who stood condemned for electoral bribery (*ambitus*) could be pardoned if he successfully prosecuted another guilty of the same crime.¹³² A similar reward affecting status was in force under the *lex Acilia de repetundis*, which offered citizenship and immunity from military service to non-citizens of Latin status.¹³³ Unfortunately, the examples we have are so few that we cannot be certain that this was a common type of reward.¹³⁴

On record as well are the less tangible, but no less important political benefits that the prosecutor could win. Successful prosecution, enhancing an orator's *auctoritas* and *dignitas*, could advance one's career. It was a way a man made a name for himself, as Caesar had through his prosecution of Cornelius Dolabella when still a young man.¹³⁵ The case was the same for L. Crassus, who made his mark initially through his accusation of C. Carbo; so, too, for Asinius Pollio, who prosecuted C. Cato at the age of twenty-one, and Calvus, who was not much older when he attacked Vatinius (Tac. *Dial.* 34.7). Those who were very successful had the luxury of disdaining office, since their influence (*gratia*), authority (*auctoritas*), and name (*nomen*) outstripped those even of the highest magistrates.¹³⁶ Such was Curiatius Maternus' opinion in Tacitus' *Dialogus*; looking fondly back to the Republic, he could recall when an orator's influence translated into real political power, and was a part of the great rewards (*magna praemia*) up for grabs.¹³⁷ Maternus' reference to *magna praemia* should give us pause; Cicero, too, as noted above, had referred in similar terms to the prized rewards of eloquence (*tanta praemia eloquentiae*) which could accrue to the successful prosecutor.¹³⁸ While the term is vague, it is very likely that both

Tacitus and Cicero had in mind the same things: not only the potential for monetary rewards, but political influence as well.

The Empire

Under the Empire prosecution as a means of political advancement continued; through it men still won honor and influence – *dignitas* and *auctoritas* – for themselves in the senate. Not that the dynamic of conducting court cases remained unchanged; under the Principate there were several new considerations for the prosecutor which intersected with an ethos pre-existing during the Republic. First, the political patronage which wealthy or well-connected individuals and families controlled during the Republic now shifted; Augustus and his successors, because they possessed a vast sum of wealth, land, and resources, became the patrons of all.¹³⁹ As in the Republic, by lending one's patron (now the princeps) political support one could expect a *beneficium* (a favor or support) bestowed in return for a *beneficium* done.¹⁴⁰ Arguably, the *delator*, who bestowed the *beneficium* of protecting his patron's, the princeps', interests, was rewarded with political gifts.¹⁴¹ Now, however, as senatorial ranks swelled and the number of *novi homines* increased, it was only natural that new men will have been eager to offer their patron their services in an effort to show their loyalty (*fides*) and advance accordingly. As such, *delatores* are hardly to be dismissed as blatant opportunists. Newcomers to the senate may have further felt a debt of gratitude to their imperial patron, providing a self-perpetuating impetus for delation.¹⁴² There is also the consideration that, since the political environment remained competitive even under the Principate, it is only natural to find politically motivated prosecutions by those – especially the young – hoping to advance their careers, like Calvus and Crassus before them. Syme has pointed out, rightly I believe, that the political struggles which marked the Republic will have still existed in the Empire, and *delatio* was yet another manifestation of such competition; indeed, even Pliny himself advanced by such means, and we may suspect that Tacitus did as well.¹⁴³ Yet despite the fact that our documentation for this phenomenon under the Empire is more abundant than for the Republic, no set principle seems to emerge; political rewards continued to be *ad hoc*. Finally, a word of caution is necessary in reading our sources: the progress of a *delator*'s career – whether through the *cursus honorum*, the amassing of political clout, or even winning a place in the emperor's *consilium* (an informal group of advisors to the princeps) – is not always to be attributed to accusation *per se*, despite the impression left by imperial authors.

Offices

The reign of Tiberius offers relatively numerous examples of political advancement, primarily by new men, as a reward for their services as prosecutors. The

first instance we have of political rewards in exchange for the denunciation of an individual is the case of Scribonius Libo in 16. Four men, three of whom were *novi homines*, Firmius Catus, Fonteius Agrippa and (C.?) Vibius Serenus, competed to accuse Libo (the fourth, Fulcinius Trio, boasted a republican pedigree); Vibius Serenus finally obtained the right to head the prosecution, the rest acted as *subscriptores*.¹⁴⁴ Before the case could be completed, Libo committed suicide, and the reward, in addition to his goods, included elevation to the rank of praetor (*extra ordinem*) for all the prosecutors (Tac. Ann. 2.32.1). For some reason, however, Tiberius excluded Serenus, but it is likely that he had already held the praetorship, given that he was proconsul of Spain in 22. Admittedly, the explanation does not satisfy entirely: Fulcinius Trio must have been as far along to have been sent out to govern Lusitania in the same year; Serenus' loyalty was not suspect, but his personality appears to have been unpleasant.¹⁴⁵ Neither Serenus nor Firmius Catus advanced much further after this prosecution, but their services appear to have mitigated harsher treatment by Tiberius in light of subsequent wrongdoing by both. Fonteius Agrippa maintained a high place in the emperor's opinion, but advanced no further; his son fared better. Fulcinius Trio's career advanced furthest. He next shows up at Piso's trial in 20; in that case, although excluded from the priestly offices awarded to the other accusers, he earned a promise of future assistance in any political endeavor (Tac. Ann. 3.19.1). Tiberius was true to his word: Fulcinius went on to govern Lusitania in 22 and to hold the office of consul *suffectus* from July until the end of October in the fateful year 31, during Sejanus' fall (to whom he may have owed his consulship). By the end of the case in 20, however, Trio simply received an imperial commendation; the remaining prosecutors were awarded priesthoods.¹⁴⁶ In 27/8 we know that Lucanius Latiaris, Porcius Cato, Petillius Rufus, and M. Opsius, all *novi homines* having attained the rank of praetor, were now aspiring to the consulship – at least according to Tacitus. Access to office, however, was controlled by Sejanus, and they sought to curry favor by accusing Titius Sabinus, an *eques* and friend of Agrippina's, exploiting Tiberius' and Agrippina's fractious relationship (Tac. Ann. 4.68–70; see below, pp. 144–6). Sabinus was denounced and swiftly executed. However, of the four accusers who had hoped for a consulship, only M. Porcius Cato reached his objective – eight years later in 36. The rest met their ends with no record of having reached their sought-after goal.¹⁴⁷ Another *delator* who appears to have profited from his denunciation was A. Avillius Flaccus, who went after the grand prize, Agrippina the Elder, and received the much coveted (and very trusted) post of praefect of Egypt in exchange, an exceptional remuneration by any measure (see below, p. 146). In the wake of Sejanus' fall, Cestius Gallus denounced two men in 32, Q. Servaeus and Minucius Thermus, who were only saved when they themselves turned informers; Tiberius may have appreciated Cestius' loyalty, however, since he is found as consul in 35.

It is difficult to connect directly the progress of any *delator*'s political career with a prosecution under Gaius and Claudius. The notorious Domitius Afer was

appointed praefect of the city in 39, and later reached the consulship (the *ordinarius* no less) under Gaius, but his elevation to the post cannot be linked to any prosecution; indeed, considering that he had actively prosecuted Agrippina's friends, his elevation under Gaius is all the more remarkable. There is no denying, however, that he had made a name for himself through his *delationes* under Tiberius. The one explicit instance of a political reward granted for a prosecution under Claudius is related by Suetonius: Otho's father was supposedly adlected to patrician rank for his turning informant against a group of slaves plotting against Claudius' life.¹⁴⁸ Later in 47, Rufrius Crispinus was voted the praetor's insignia for his part in the prosecution of Valerius Asiaticus, although he may have done nothing more than arrest him (Tac. *Ann.* 11.4.5). A similar award was granted to Narcissus in the wake of Messalina's fall in 48, who was voted the quaestor's insignia for his denunciation.¹⁴⁹ *Delatores* whose rewards of office can be directly linked to prosecution are attested in relative abundance under Nero, but not until late in his reign. The earliest case is that of Ostorius Sabinus, the equestrian who prosecuted Barea Soranus in 66 for plotting rebellion while governing the province of Asia, and who obtained the quaestor's insignia for his efforts (Tac. *Ann.* 16.33.4). It is likely that Vibius Crispus also advanced as a direct result of political prosecution. He was involved in the downfall of the brothers Scribonii in 67 and might have been rewarded with the office of *curator aquarum* (administrator of the aqueducts) – though he had already been consul.¹⁵⁰ Similarly, the notorious P. Egnatius Celer, who denounced his patron Barea Soranus in 66, earned honors (*timas*) in addition to cash (Dio 62.26.1–2). Curtius Montanus' attack against Aquilius Regulus indicates that, at least late in Nero's reign, there was greater hope among prosecutors for political advancement. Thus, Montanus attacks Regulus as having undertaken accusations with hope of obtaining influence at court.¹⁵¹ Regulus' prosecution of Crassus and Orfitus late in Nero's reign propelled him far along the *cursus honorum*, earning him consular insignia and a priesthood, even though he was still very young (Tac. *Hist.* 4.42.3). That he may well have obtained the consular rank through the prosecution of a consular is indicated by Tacitus' phrase *raptis consularibus spoliis* ("with the spoils of a consul having been snatched"), and further by his remark that he had risen by accusing older men of distinction (*Hist.* 4.42.4). Less certain is the case of Paccius Africanus; consul in 67, in that year he denounced several of Nero's political enemies. He could have been granted his office as reward for his denunciations, however, consulships were generally bestowed several years in advance. The poet Silius Italicus is another potential (but by no means sure) candidate for one who sought political profit by turning *delator*: consul in 68, rumor had it that he undertook prosecutions voluntarily under Nero.¹⁵² It is not past thinking that, if true, his high office was a reward for services rendered. Nero's reign also gives one further example of how *delatio* might not only be used for political advancement, but for reinstatement of one's political rights and status as well. Antistius Sosianus had been banished in 62 for writing scurrilous verses against

Nero.¹⁵³ In 66 he denounced his fellow exile, P. Anteius, and also implicated Ostorius Scapula, accusing both of rebellion (Tac. *Ann.* 16.14). Antistius was restored from exile, and appears to have become involved in a number of prosecutions afterward; Tacitus described him in the senatorial debates of 70 as “destructive to many” (*Hist.* 4.44.2).

Remarkably, under the Flavians, despite the existence of numerous *delatores* including Baebius Massa, Mettius Carus, L. Valerius Catullus Messalinus, Publicius Certus, and others, no reward of political office can be traced back directly to delation with certainty.¹⁵⁴ It is possible that Publicius Certus was appointed *praefectus aerarii Saturni* in 96 for his involvement in the prosecution of Helvidius Priscus the Younger, but the difficulty here is the same as in many other instances: there is no direct link, and, in this particular case, our sole source for his involvement in the prosecution, Pliny the Younger, is far from clear to what extent and in what capacity Certus was involved in the case (*Ep.* 9.13). Beyond this, however, it is difficult to connect the honors enjoyed by some Flavian *delatores* directly to any prosecution. The consulships of the hated Valerius Catullus Messalinus came in 73 and 85 before the so-called terror of Domitian, and no prosecution stands to his credit prior to this; Fabricius Veiento (whose status as a *delator* is dubious) and M. Pompeius Silvanus Staberius (also of dubious status) were consuls possibly in 83, with no prosecutions to their credit either.¹⁵⁵ Baebius Massa possibly acted as prosecutor after 93 – but that was well after he was already securely established as an administrator, and had served as governor of Baetica under Domitian. Nor can we rule out that *delatio*, far from something that invariably endeared oneself to the princeps, may, conversely, have been something undertaken in the interest of returning a favor to one’s imperial benefactor for past political patronage. In a society where one had to look to the princeps if one were to succeed politically, there will have been an expectation – as during the Republic – that the client will have returned his patron’s favor with political support. Admittedly, such an assertion puts us squarely in the realm of conjecture – but, I believe, conjecture which is plausible and by no means to be dismissed. After all, it was the *fides* of Domitian’s ministers, despite their less than savory repute in Pliny, Juvenal, and Tacitus, that led Trajan to remark that Domitian had been the worst emperor, but had had the best friends.¹⁵⁶ There can be little doubt that in the Early Principate *delatores* received political office or insignia in return for accusation, but the number of cases in which we can make a direct connection are actually quite few; even under Nero’s reign, we find only four instances to which Tacitus, the *delatores*’ nemesis, can explicitly attest. Not that the vague assertion by Dio (58.4.8) that accusers received triumphal honors and images (which he does not support by specific exempla) is incredible, but the frequency of such rewards must remain open to question. Arguably, it is Tacitus’ iterated imputation of this motive to *delator* after *delator* which creates this impression, where, in fact, for every Fulcinus Trio who succeeds, there are many more who fail to advance further in office.

Influence

It is important to note that early in the Principate, beginning with Tiberius, there were a number of orators associated with accusation who, while they did not necessarily gain political office, did become a force in the politics of the day, and as such stand as precursors to the great personalities under Nero and the Flavians, such as Eprius Marcellus and Vibius Crispus.¹⁵⁷ Hispo or Caepio, for example, are not known to have obtained any particular political office from Tiberius for their accusations; they are, however, noted for their remarkable influence with Tiberius, and their power over others (Tac. *Ann.* 1.74.2). A similar situation probably obtained for Junius Otho and Brutteditius Niger, who accused C. Silanus, proconsul of Asia, of *maiestas* in 22 (Tac. *Ann.* 3.66.4–6): Tacitus implies that Otho was anxious, having achieved his rank, to maintain the good graces of his patron. Similarly, Niger was overly eager in his desire to win political influence. The difficulty is that, while Tacitus indicates that this prosecution advanced their careers, he gives no further details. We may guess, however, that inasmuch as they were clients of Sejanus, both will have built up social collateral with him; it was a wise (and understandable) political move on the part of any neophyte to ally himself with Sejanus and the emperor in the 20s, especially considering Sejanus' influence with Tiberius. We may detect similar motives of political patronage in Satrius Secundus' and Pinarius Natta's prosecution of Cremutius Cordus; Tacitus tells us that Secundus and Natta were Sejanus' clients – and Satrius might have actually controlled access to Sejanus, a politically powerful position indeed (Tac. *Ann.* 6.8.10; cf. Sen. *Dial.* 6.22.4). It was the political influence of the notorious Vibius Serenus the Younger that enabled him to avoid trouble after the prosecution of his father in 23 (Tac. *Ann.* 4.30.5). Indeed, Tacitus indicates that he was so indispensable that he stood above the law, avoiding the inevitable expulsion from the senate after committing *calumnia*; such a case shows that prosecution, when it did not advance one's political career, at least gave one legal and political cover in case of trouble. Nor do we find any political offices won by Domitius Afer in the wake of his prosecutions of Claudia Pulchra in 26 and Quintilius Varus in the following year, but we do get a sense from our sources of his abiding power with the *principes* first gained through involvement in these cases (Tac. *Ann.* 4.52; 4.66).

Gaius' notorious freedman, Helico, might not have owed his initial advancement to any denunciations, but he either owed his subsequent influence to such activity, or used his clout to play the role of *accusator*, if we are to believe Philo.¹⁵⁸ While Suillius' election to the consulship under Claudius cannot be connected directly with any prosecution (and he was possibly already designated by Gaius), it is perhaps to be taken as a testament to his abiding loyalty to the imperial family. We may venture one other instance of political advancement in exchange for a *delatio* under Claudius: in 53 Tarquitius Priscus, who was just embarking on his career (and enjoyed the patronage of Agrippina), accused Statilius Taurus of *repetundae* and magic (Tac. *Ann.* 12.59.2).

Taurus committed suicide, and Priscus was expelled from the senate, but was soon restored and went on under Nero to become proconsul of Bithynia probably between 59 and 60, since he was charged in 61 with *repetundae* in that province (*Ann.* 14.46.1). Agrippina remembered Priscus' services under Claudius, and her influence no doubt helped to restore and bring favor to him (albeit briefly) under Nero. A relatively large number of individuals associated with delation rose to the consulship during Nero's tenure. Unfortunately, as was the case under Claudius, few of these can be proven to have been direct rewards for prosecution, but they at least bear witness to the influence gained by those who undertook accusations. Yet even this is not without its problems: Eprius Marcellus was elevated to the consulship in 62 before his first documented (and notorious) prosecution of Thræsea Paetus four years later, and no certain case can be attributed to Vibius Crispus before the consulship he held sometime between 61 and 63; this does not rule out, however, the possibility that both will have built up capital with Nero by other prosecutions earlier in his reign.¹⁵⁹ But beyond the vague assertion by Helvidius Priscus that Eprius Marcellus was responsible for the destruction of many who were innocent (*exitium tot innocentium*), we have no indication that he was involved in any prosecution prior to 66, and the only name Helvidius mentions explicitly is Thræsea Paetus. (Contrast this with Montanus' accusation of Regulus, where he mentions the names of several of his victims, *Tac. Hist.* 4.42.1.) Again, Eprius does not seem to have been rewarded with any political office as the direct result of prosecution, however there is no denying that his political influence was based, in part, on his career as an orator, and as a prosecutor in particular.¹⁶⁰ Indeed, Helvidius' speech was motivated by a desire to put a dent in the political power and influence enjoyed by the likes of Marcellus and Regulus, whose prosecutions, in addition to offices and rank, had given them access to the princes.¹⁶¹

It is well known that some *delatores* who commenced their careers under Nero were of high standing still under the Flavians, and Eprius Marcellus and Vibius Crispus are perhaps the two most outstanding examples of this (and, to a lesser extent, Regulus). There were others, however, who by virtue of their apparent knowledge of how to navigate the perilous waters of imperial politics could prove good (and experienced) administrators. The *locus classicus* that proves the rule is Pliny's letter relating a dinner with the emperor Nerva; the aged princes conjectured about what the blind and vicious Valerius Catullus Messalinus would be doing were he still living. "He would be dining with us," rejoined a brave guest (*Ep.* 4.22.5–6). Vibius Crispus, as already noted, is one who had held the highest offices under Nero and continued to enjoy patronage under Vespasian and Domitian; indeed, he participated as a member of all three emperors' councils (*consilia*), and was courted as well by the short-lived Vitellius.¹⁶² In addition, he held consulships under Nero, Vespasian, and Domitian, and governorships under the first two. Eprius Marcellus had been an *amicus* (friend and advisor) of Nero's and Vespasian's both, and each of them entrusted him with the governorship of a province. Aquilius Regulus, in

addition to his place in Nero's council at court, possibly held the consulship in 84, and Pliny tells us that, while he no longer played the part of *delator* under Domitian (something we may doubt), he still frequently played a role behind the scenes (*Ep.* 1.5.1).¹⁶³ Fabricius Veiento, a Neronian courtier, may also have been put to good use by Domitian, and he was a part of Nerva's *consilium* as well.¹⁶⁴ Silius Italicus, a probable Neronian *delator*, was involved in the negotiations between the Flavians and the Vitellians in 69 and went on in 77/8 to hold the prestigious post of proconsul of Asia (*Tac. Hist.* 3.65.3). Similarly, the freedman Armillatus, and Palfurius Sura, a senator, both rose to preeminence in the imperial council under Domitian, providing their patron with the "service" of denouncing the emperor's political enemies.¹⁶⁵ Such men were a vital part of the government, bringing with their talents a certain *je ne sais quoi* which even someone as hostile as Tacitus understood was indispensable.¹⁶⁶

Conclusion

At first glance, one is left with an impression that *delatores* were a unique phenomenon, whose central characteristic was malicious accusation in the interest of profit and power at the expense of others. Part of that impression is, as stated at the opening of this chapter, the result of the relative profusion of *novi homines* and men of lower status acting as prosecutors in the Early Empire. The threat they posed to men of higher status did not sit well with our sources, nor did the coincidence of their elevation with the danger they posed to them. How exaggerated that threat (and their attendant elevation) was is difficult to assess; we see only a small number of the many *delatores* active against senators. This demographic change intersected with the centralized assumption of political and financial patronage by the princeps, which presented a new problem in Roman politics. Rudich has argued for a general breakdown in the moral and ethical codes which had once governed Roman society, citing base *delatores* who inform against their patrons as a particularly acute symptom; there is, however, another way of looking at it.¹⁶⁷ If we consider that the Empire was the princeps' personal domain and that his patronage trumped all, we might argue that *delatores*, by breaking their trust (*fides*) with their immediate – and *de iure*, lesser – patrons, were showing *fides* to the ultimate of patrons.¹⁶⁸ Rudich is right, however, when he notes that there is much askew within the new system; *delatores* ironically were one of the instruments through which the ancient republican aristocracy was extinguished, though the *novi homines*, following the same patterns and traditions as their republican forebears, arguably clamored more to be a part of the ancient tradition than did the aristocracy. *Delatores* were often newcomers who sought to identify themselves closely with the Roman senate by adhering closely to its traditions, which exaggerated certain types of behaviors in the face of the new system.¹⁶⁹

Finally, we should never lose sight of the fact that despite senatorial cries of "foul" from the likes of Tacitus and Pliny (*inter alios*) when members of lesser

status attack powerful senators of established background, that the senate was, ultimately, its own worst enemy. It had shown itself incapable of administering justice efficiently to its own members during the Republic, and, as we shall see in the next chapter, the Principate was a distinct improvement in this regard, particularly in the area of *repetundae* and provincial administration. The price of justice was paid by the senate, whose senior members – those who had risen high enough to govern provinces for example – faced assault on occasion from lesser members who were still trying to advance, as Romans had always advanced, in their careers. Cases such as Junius Otho and Brutteditius Niger (two political climbers) undertaking the prosecution of Silanus (a man of illustrious background) will have cut both ways for the Romans. On the one hand, political prosecution was a way to make a name for oneself – it earned one influence, clients, put provinces under one's wing, and helped in the acquisition of social and political capital. On the other hand, there was the question of status, and this seems to have carried greater weight, with Tacitus (and presumably others of his class) taking umbrage when an Otho, a mere schoolteacher, hunts big game such as Silanus.

Moreover, the imperial household emerged as a political entity in its own right; any member of that household, such as a freedman, was sworn to protect it, adding a heightened political dimension to an ostensibly domestic task.¹⁷⁰ All of this served to “Balkanize” politics under the Principate, setting senators, *novi homines*, and imperial freedmen at odds with one another as they competed for rewards and political influence. For the most part, however, the activities of such men will have been readily appreciated by their republican forebears. Despite the numerous changes that had taken place between the fall of the Republic and the establishment of the Principate, Rome was a deeply conservative society. If the system of Roman patronage was abiding, the Roman ethos which drove political competition was equally so; the incentives – the potential for financial rewards and political prestige – remained largely unchanged, and social and political advancement continued to play itself out in the courts as it had done before. The princeps, however, and the favor and patronage he could bestow, undeniably added a new dimension to prosecution; it was for him to reward loyal “party members,” and for him to determine who would advance. But for the political climber it was merely a matter of a transference of power; no longer could the skilled orator aspire to be the foremost man of the senate (*princeps senatus*) – but he could aspire, like Eprius and Vibius, to be the friend (*amicus*) of the princeps and gain access to the imperial ear as a member of his *consilium*.¹⁷¹

EXERCENDAS LEGES ESSE

Delatores and law enforcement

In the most corrupt state there are the most laws.

(Tacitus, *Annales* 3.27.5)

By the year 16, L. Calpurnius Piso had had enough. In a show-stopping scene in front of the senate and Tiberius, he delivered a withering invective against the corruption of the courts, the power of money therein, and, above all, the excessive zeal of prosecuting attorneys: “For my part,” he concluded in his harangue, “I shall seek out some secluded and distant rural repose” (Tac. Ann. 2.34.1–2). Then, in what can only be described as high theater, he made to leave the senate chamber. Raising the scene to the point of melodrama, Tiberius intervened, urging Piso to reconsider. Piso ultimately heeded the emperor’s pleas, and stayed. Though they are the words of Cicero – quoted by Quintilian – one could well imagine Piso making the same observation: “A sword is stretched out against us sometimes by the laws themselves” (Inst. 5.14.35). Such an assessment is one with which few of Piso’s – or Quintilian’s – contemporaries would take exception, and the *delator* as someone who wielded that sword, exploiting the numerous laws and pushing them to their limits, is a phenomenon well attested in our sources under the Empire. Legislation such as the *lex Papia Poppaea*, *lex Julia de adulteriis*, and the various laws *de repetundis*, all provided grist for the *delator*’s mill. The pages of Tacitus and Pliny, in particular, are full of unprincipled characters whose attacks under such laws are depicted as abusive delations against fellow senators; the portrayal, however, is for the most part unwarranted. There is no disputing that *delatores* made life unpleasant for some under Augustus’ laws that attempted to legislate morality and family life; but the legislation, and the activity of *delatores* under it, had a deeper well-spring. The state’s intrusion into private life and morality was nothing new at Rome, where the censorship and various luxury laws were long-standing institutions, though there is no doubt that the further legal codification of personal behavior gave prosecutors additional material with which to work. Nor were prosecutions against alleged violators of the laws *de repetundis* anything new, although such laws may have been enforced with greater efficiency under

the Empire than during the Republic. Tacitus himself admits that one of the benefits of the Principate was that corruption in the provinces (if not eliminated) was now checked. On the local level, moreover, provincial governors found *delatores* useful in administering their provinces, and even the likes of Pliny – the *delator's* *bête noire* – could not make do without them. In other areas of the law, *delatores* and *accusatores* were an abiding, and sometimes necessary evil: they were notorious, for example, for trying to lay claim to the legacies of others, although this was already something for which *quadruplatores* had made themselves infamous during the Republic. In some instances, such as their activities under Caesar's law limiting interest rates, they represent a genuine attempt to check inequities with a view to preventing social unrest.

It would be wrong, however, to assert that the same dynamics for prosecution were in place under the Principate as during the Republic and that *delatores* were merely upholding the law. Tacitus had remarked at the opening of his *Annales* that Augustus had usurped the legal authority of the state and became, so to speak, the master of the laws (*magister legum*); the princeps became a force, for good or ill, who could abrogate laws detrimental to the state's health, and emperors took varying degrees of interest in the personal oversight of justice.¹ This clearly included the power to check or encourage prosecutions, or laws under which prosecutors could make themselves obnoxious. It was with the intent of checking delation, for example, that Tiberius quashed efforts to implement a new luxury law in 22.² Conversely, the perceived need for certain laws (and Tiberius' desire to adhere to Augustan precedent as well) no doubt contributed to Tiberius' hesitation in nullifying certain legislation passed under Augustus, or even before, thereby allowing *delatores* to ply their trade. Tiberius appears to have taken some efforts to advertise his careful oversight of the legal system, and the activities of prosecutors under it, even if the senate saw things differently. In approximately 22 Tiberius issued a series of coins with the legends CLEMENTIA and MODERATIO (clemency and moderation), which one scholar has argued was meant to show his oversight in checking accusers.³ It was a high-wire act the princeps constantly performed, walking a tightrope between the need for law, and excessive rigor in its application; it was an act performed with varying degrees of success, and, with the hindsight of over two centuries, Dio could have Maecenas urge Augustus against being overzealous in enforcing the law (52.34.4). Moreover, Pliny, addressing Trajan, praised him as a princeps under whom the laws, not *delatores*, were feared (*Pan.* 36.2). Those who enforced the law in the courts walked a fine line, between those who looked to the good of the state and the enforcement of its laws, and those who worked to its detriment, exploiting the law for their own selfish ends. Nowhere is this better illustrated, perhaps, than Quintilian, who understood that the prejudice against prosecution had to be overlooked for the sake of a civil society (cf. *Inst.* 12.7.3–4). As Quintilian recognized, distasteful though the process may be, it was always necessary to guard against a variety of malefactors in the areas both

of civil and of criminal transgressions lest the laws be rendered ineffectual and the state itself fall prey to conspiracy.⁴

Before beginning our discussion in earnest some explanation is perhaps necessary concerning the organization of this chapter. While the present discussion concerns three major areas of law enforcement and the role of *delatores* and *accusatores* in implementing them, it intentionally excludes, for the most part, any discussion of potential political motives behind a trial; we will explore these motives in the following chapters which will focus on opposition, resistance, and factional politics. What we are concerned with here are those laws under which *delatores*, as characterized by our sources, operated with particular relish and which allowed them to flourish, and setting the activities of prosecutors and the legislation under which they operated in their larger social and historical contexts. The reader should be aware, however, that there was always the potential that a prosecution which was essentially (and apparently) a matter of law enforcement could potentially be associated with an act of political opposition in our sources, especially if the case was tried under more than one charge. For example, in 17 Appuleia Varilla was charged with adultery; in addition, the anonymous *delator* introduced charges of verbal injury against *divus* (the divine) Augustus, Tiberius, and Livia, and tried to have the charges subsumed under the *lex maiestatis*, to no avail.⁵ Tiberius did not allow the case to proceed, and released Appuleia to the custody of her family for punishment. Here the *delator* had tried to politicize the case without success; that is, he had tried to make her offense one against the ruling house, and the ruling house refused to take the same view of her crime. It was this in particular, the perception that *delatores* were attempting to twist and distort simple breeches of law into acts of opposition against the imperial house, which made *delatores* so loathsome to their contemporaries, and that particular aspect of delation will be discussed not here, but in the following chapters.

Marriage and morality

The lex Papia Poppaea and the delator

Delatores notoriously exploited the moral and marital legislation Augustus passed in the course of his reign. The bibliography concerning his legislation is vast, and here I intend to discuss briefly only the *delator's* role in implementing it, although to appreciate fully the *delator* as the enforcer of Augustus' laws, it is also necessary to put the legislation in its larger cultural and social context.⁶ In 18 BC Augustus passed the *lex Julia de maritandis ordinibus*, which put a heavy tax assessment on unmarried men, and put into place incentives for marriage and procreation. The law appears to have been directed at the nobility in particular, for he allowed all except senators to marry freedwomen, and decreed that their children be considered legitimate (Dio 54.16.1–2; 56.7.2; Suet. *Aug.* 34.1). There was strong opposition to the law, and he allowed a three-year grace

period before its enforcement (Suet. *Aug.* 34). The *lex* of 18 was supplemented nearly thirty years later, in AD 9, by the *lex Papia Poppaea*, when Augustus imposed more stringent penalties.⁷ The two laws granted certain privileges to those who were married and had three or more children; for example, fathers were excused from discharge of certain public duties, while women with three or more children were not subject to guardianship. The childless, on the other hand, faced certain penalties, particularly in the area of inheritance: the property of those who died childless, for example, reverted to the state, and the law also made it illegal for unmarried men (*caelibes*) to accept legacies.⁸ The more precise purpose and scope of the legislation have been much discussed (and disputed).⁹ Dixon, in her recent book on the Roman family, has argued that the law was in part a product of Augustus' own personality, whereby he set out on a moral crusade to restore the ancient pristine virtue that had once marked the Roman character. Both Brunt and, more recently, Wallace-Hadrill, have questioned one widely held view that the law was designed to encourage marriage in order to ensure a ready supply of men of Italic stock for the army; their reservations are based on the simple fact that the law appears to have been aimed primarily at the upper classes.¹⁰ Wallace-Hadrill instead proposed that one of the central aims of Augustus' legislation was "to encourage the family in order to stabilize the transmission of property, and consequently of status, from generation to generation."¹¹ In support of Wallace-Hadrill's view, it is perhaps telling that the most offensive aspect of the law, in Tacitus' opinion, was the threat to status it posed for men of standing throughout Italy:

A motion was then made concerning the modification of the *lex Papia Poppaea*, which Augustus had established as an old man after the Julian laws for inciting punishments against the unmarried and for enhancing the *aerarium*. Nor for this reason were marriages and the rearing of children becoming more frequent, with childlessness prevailing; but the large number of those in danger was swelling, since every house was being overturned by the construction put on their actions by the *delatores*.

(Ann. 3.25.1–2)

The law was intrusive, and merely succeeded in holding up to public – and legal – scrutiny what had once been largely a private matter.¹² Tacitus implies it was a gratuitous piece of legislation designed to fill the state coffers.¹³

Now we know that under this law rewards were offered to *delatores* (Tacitus ironically refers to them as guardians [*custodes*]); the fines and confiscation they visited on the unmarried went to the *aerarium*, and, indeed, Tacitus, as the above passage shows, said that this was what motivated the law in part.¹⁴ Yet for all the ire Tacitus expends against the *lex Papia Poppaea*, we have not a single specific instance, as far as I am aware, of individuals either who prosecute or who are themselves prosecuted under this law; we are very much in the dark.¹⁵

Tacitus says that accusers throughout Italy, enticed by rewards, exploited this law, and that the status of many was undermined:

After the passage of the law the chains became more acute, “guardians” having been imposed and, through the *lex Papia Poppaea*, induced with rewards, so that, if one was deficient in the privileges of parents, the people, as if the parent of all, should possess the goods of the intestate. But they (sc. *delatores*) penetrated the city and Italy more deeply still, and because they attacked citizens everywhere, the social and political standing of many had been ruined.

(Ann. 3.28.4–5)

Tacitus’ terse statement has been taken, rightly I think, to refer to the threat *delatores* posed to the financial status of senators under this law.¹⁶ What is certain, however, is that *delatores* threatened the status of both senators and *equites*, and, if Tacitus can be believed, numerous others of citizen status throughout Italy.¹⁷ One can see how this legislation would both threaten social standing and at the same time come to be associated closely with adultery. Since the legislation would directly effect the passage of property to legitimate heirs, questions of right of inheritance would come into play, along with the legitimacy of children, which was one means by which one’s right of inheritance might be contested.¹⁸ A plethora of accusations arose almost immediately after passage of the *lex Papia Poppaea* according to Dio, and it is worth noting that the “bane” of *delatores* in this area might have already started in Augustus’ sixth consulship, when Tacitus states *delatores* started to exploit the law to their own ends.¹⁹ By 16, seven years after the law’s passage, there are signs of real discontent within the senate, and L. Piso, a friend of Tiberius’, expressed that body’s frustration with the activities of accusers, stemming partly (but by no means entirely) from the *lex Papia Poppaea*.²⁰ Four years later, in 20, Tiberius established a commission of fifteen men (five men of consular, praetorian, and senatorial rank each, selected by lot) to modify the workings of the law.²¹ Our sources are short on specifics concerning Tiberius’ reforms; the one certain provision we have is that he added a rider that exempted men over 60 from liability under the law, a provision Claudius later rescinded.²² Nero also tried to impose reforms on this law by limiting the amount paid to informers under it, reducing the rewards by three-quarters.²³ It is uncertain how effective the reform was, though it is perhaps indicative of how useful the law was that it was never abolished entirely, even by “good” emperors.²⁴ We know that some senators tried to skirt the law through fictitious adoptions in an attempt to obtain high office (since men with children were favored), and we can conjecture that *delatores* will have plied their trade by denouncing them. An uproar in 62 by senators for denunciations against them for this very thing surely only scratches the surface of a much larger phenomenon.²⁵ There were also those who tried to evade the law through a fraud known as *suppositio*, where

a woman would attribute the paternity of an offspring to her husband when in fact it was not his own. One such notorious case arose in 20, when an anonymous *delator* accused Aemilia Lepida of falsifying the paternity of a son, naming as father the rich and childless P. Quirinius, her former husband.²⁶ Quirinius was old, sick, and rich, and Lepida hoped to gain access to his fortune by attributing paternity of a son to him; that her plan was a patent lie seems to have been recognized even by the Roman mob, which recalled Quirinius' childlessness. We do not know when Lepida's marriage to Quirinius ended, but that matters little, since there was no statute of limitations set for prosecuting *suppositio*, which itself fell under the *lex Cornelia de falsis* (the Cornelian law on fraud).²⁷ Either her subsequent husband, Mam. Aemilius Scaurus, or a kinsman of his, appears to have been involved in a similar scheme, if we can believe Juvenal:

I pass over spurious (*suppositos*) children, the joys of having children
and the hopes often deceived at dirty pools, and from where our chief
priests and Salii, having been frequently sought, are destined, though
bastards, to convey the noble names of the Scauri.

(6.602–5)

Such frauds were perhaps not as uncommon as we might think. Even allowing scope for rhetorical embellishment, the character of Naevolus in Juvenal laments the poor recompense he gets for begetting children for a man whose sexual abilities or inclinations have resulted in a sterile marriage and who seeks to escape the penalties this entails under the *lex Papia Poppaea*:²⁸

And so is there no reward, you treacherous ingrate, none,
Because I sired your little son or daughter?
In fact, you raise them, and you rejoice to scatter the proofs
Of your manhood in your accounts. Hang garlands on your doors:
Now you are a father, we have given something you can set against
gossip.
You have the rights of a parent, on my account you will be able to
record an heir,
You will receive a legacy whole and a treat of property intestate.
Moreover many advantages will be joined to the estates lacking an
heir,
If I shall have given you the magic number of three children.

(9.82–90)

The law was intrusive, and the levels to which men stooped to get around it sometimes sordid. Nonetheless, if we consider the *delator* an extension of the state, such intrusive scrutiny into a person's life had precedent. It had been an ancient practice in Rome to legislate marriage and to regulate marital status to

encourage child rearing and discourage celibacy.²⁹ We know that during the Republic censors used to ask senators whether they had married with a view to producing children, and that L. Annius lost senatorial status because he had divorced his wife without cause.³⁰ Metellus, the censor in 102, had written a treatise titled *de Prole Augenda* (On Increasing Offspring), and Augustus had read it to the senate in the course of introducing his own legislation.³¹ Caesar's agrarian law of 59 allotted land to those with three children (Dio 38.7.3). Cicero himself had advised Caesar to put in place regulations concerning licentiousness, and to encourage the growth of Rome's population (Marc. 23; cf. Dio 43.25.2). Augustus, if we can trust the gist of Dio's words, could assert republican legal precedents of laws intended to discourage celibacy and encourage procreation, though by his own admission, he reasserted these laws with a new severity (Dio 56.6.4–5). Nonetheless, it appears that there was an inclination, even early on, for the state to regulate family life. Finally, it is worth noting that subsequent emperors tried to modify, but never to abolish the *lex Papia Poppaea*, and must have found it useful, though in what way is open to debate; it might have been beneficial in protecting the civil administration of the senate through perpetuation of its order, or the law might have sat on the books without rigorous enforcement later on, if the situation it was designed to address was no longer viewed as a threat. The procurement, however, of income from the Augustan legislation for the imperial purse was no doubt always welcome. Whatever the reason, it is noteworthy that the *ius trium liberorum*, a grant bestowing on the childless the same privileges enjoyed by those with at least three children under the *lex Papia Poppaea*, was granted under a Trajan as well as under a Domitian.³² And even under Trajan, the *Optimus Princeps*, the problem of those trying to skirt the law was still there, if we accept Juvenal (in the passages cited above) as responding to current and topical concerns in Roman society, and there may be good reason to, for virtually contemporaneous with Juvenal, in AD 130, new and more stringent measures were put into effect to monitor the behavior of pregnant women, partly with the intent of ensuring the legitimacy of children (which *delatores* were so keen to scrutinize), since there were implications concerning the child's right to inherit.³³

Quis custodiet ipsos custodes?: moral legislation and the delator

In addition, there was the Julian law concerning adultery (*lex Julia de adulteriis*).³⁴ Previously, adultery had been a matter that involved only the judgment of the immediate family; Augustus changed it into a legal offense that made it subject to a public prosecution, with more notable cases coming before the senate.³⁵ The law seems primarily to have been aimed at regulating the behavior of women more than men; the provisions of the law did not make it illegal for men to have sexual relations with non-married women or other free-born men.³⁶ If a woman's husband had sexual relations with another woman who was not a married woman (*matrona*), she appears to have had little in the

way of recourse. If, however, a man, married or not, had sexual relations with other married women, the man became an adulterer in the eyes of the law and his paramour's husband had the right to prosecute. The wife of an adulterer, however, did not have any legal recourse if her husband had committed adultery.³⁷ The adulteress's husband was obliged by law to bring up a charge of adultery within 60 days or himself face charges of pandering (*lenocinium*); the wronged man's father-in-law could also bring up charges against his daughter, although it was the husband who had the leading place in the accusation.³⁸ What the rewards were for a third party undertaking such an accusation is uncertain, but it was, presumably, a share of the adulteress's (and her husband's) property. An outside accuser (technically known as an *accusator extraneus*) would be legally bound first to prosecute the adulteress's husband for pandering, but the law also obliged him to yield to the husband if extenuating circumstances (such as a long absence) had prevented him from bringing the charge himself.³⁹ When the husband did not accuse, the *delator* received a (probably substantial) part of the confiscated property of the accused, while the rest went to the imperial treasury; to get evidence was probably not easy for informers, but in adultery trials the slaves of the accused could be tortured to extract testimony.⁴⁰ The husband was immune from a charge of *calumnia* if he lost his case, but an *accusator extraneus* does not appear to have enjoyed such a luxury (*FIRA* 2.554). The legal punishment for adultery was insular exile; a woman condemned for adultery would lose half her property and one-third of her estate, and the adulterer half his property (Paul. *Sent.* 2.26.14). While we are not as much in the dark for individual adultery cases as we are for those under the *lex Papia Poppaea*, we have only a relatively few documented in any detail which can be separated from a "political" context.⁴¹ Most of those about which anything is known were generally connected with other charges of a political nature (and will therefore be discussed in the following chapters). We have only a very limited number of *delatores* active under this law in its "pure form," and only under Tiberius at that: an anonymous *delator* accused Appuleia Varilla in 17 of *maiestas* (for words spoken against Augustus, Tiberius, and Livia) and adultery, but Tiberius rejected a prosecution under the first charge, and even mitigated her penalty for adultery, although her paramour, Manlius, was interdicted from Italy and Africa.⁴² The only other instance of a prosecution solely under a charge of adultery is that of a woman named Aquilia in 25; in this case, however, Tiberius implemented a harsher penalty (exile with loss of property), although Gaetulicus, the consul designate, had pressed for punishment under the Julian law.⁴³ The case of Aemilia Lepida, prosecuted by some anonymous *delatores* in 36 for adultery with a slave (Tac. *Ann.* 6.40.4), has the aura of a political prosecution to it; she had been the wife of Drusus, Agrippina the Elder's dead and disgraced son, whom Lepida herself had in fact denounced, and she was only spared, according to Tacitus, as long as her father, the influential M. Lepidus, was alive.

The paucity of cases may be attributable to two factors (aside from the selective nature of our sources relating them). First, there is the pure and simple consideration that the legislation, while admittedly an intrusion of the state into private family life, was designed, after a fashion, to keep adultery a family matter by obliging the father or husband to act as accuser; the law, in a sense, codified custom. Second, there could have been a desire under the Principate to adhere to the republican practice of referring such cases to the family's *consilium*; such councils, used to determine the fate of errant women, would determine penalties for the transgression, and this abided in the imperial era (see e.g. Tac. *Ann.* 13.32.3; Suet. *Tib.* 35.1). When Tiberius referred Varilla's case to her family in 17, early in his reign, this could have been a cue to the senate concerning how he intended such matters should be handled, and no other case is heard of for seven years.⁴⁴ Moreover, while the activities of the *delator* might appear seemingly more intrusive in this area, the law the *delator* enforced was apparently less severe than what individual families could potentially exact in private during the Republic for the same offense. We have it both from Livy and from Dionysius that familial councils were not above imposing a capital penalty, a right that had been given to the male head of the household (the *paterfamilias*) in cases of drunkenness and adultery.⁴⁵ In addition, state intrusion in this matter had precedent: we know that during the Republic the aediles had sat in judgment over a number of cases of female sexual transgression.⁴⁶ Indeed, Fantham in her study cites half a dozen cases of seduction which came before the people's court (*iudicium populi*) during the Republic; these might have been unusual, but they at least established a precedent for state involvement in such matters well before the Principate.⁴⁷ Finally, it is worth noting that, as had been the case with the *lex Papia Poppaea*, the *lex Julia de adulteriis* was still being enforced under Trajan. Thus, Pliny relates that in 107 Trajan ordered a military tribune whose wife, Gallita, was guilty of adultery, to prosecute her for her offense, although Pliny states that the husband was a reluctant party due to his affection for her.⁴⁸ It is difficult to assess how active *delatores* were under this particular law. Treggiari (1991: 297–8) has pointed out that there must have been far more cases than we hear of, and that there was much greater opportunity for the crime of adultery than for libel, *repetundae*, or *maiestas*, surely a reasonable assertion. Pliny's letter raises yet another possibility, however, concerning why the adultery cases attested in our sources are so few, and that is the simple matter that, as has always been the case and still remains so today, extramarital liaisons are a personal matter, something to be worked out between a married couple. An abiding affection between numerous couples, despite such infidelity, could have made the law difficult to enforce, as Trajan's injunction to the military tribune appears to show. We should note, too, that Trajan's action is a more intrusive and arguably a more unjust application of the *lex de adulteriis* than we find anywhere else in our sources.

Prosecutions for breaches of female chastity, however, did not simply take place under the *lex de adulteriis*. It is worth noting that denunciations for

breaches of female chastity (*incestum*) were also important in regard to the Vestals, since the security of the state depended on their abiding by their vows. Informants and prosecutors played a part in revealing and punishing improprieties which conceivably threatened – to the Roman way of thinking – the state's entire welfare. Such cases were extraordinary, however, coming usually at times of particular pressures on the state.⁴⁹ In such instances slaves played a particularly important role in denouncing alleged transgressions, and were exempted from the usual restrictions which prohibited them from denouncing their masters; indeed, slaves may well have been obliged to come forward in such instances.⁵⁰ The earliest example of such a denunciation is that of Orbinia in 472 BC (Dion. Hal. Ant. Rom. 9.40.3). The next episode that comes down to us concerns the Vestal Minucia, who, we are told, in 337 BC brought herself under suspicion due to her dress. She was subsequently brought before the pontiffs on the evidence of a slave, condemned and buried alive near the Colline Gate.⁵¹ A similar, albeit much more scandalous situation arose in 114 BC, when no fewer than three of the Vestals, Aemilia, Licinia, and Marcia, were denounced by a slave belonging to T. Betucius Barrus. All three were accused of breach of chastity (*incestum*) before the chief priests, though we lack any further details concerning the procedure of the trial and the names of any of the prosecutors.⁵² We have no specifics concerning further prosecutions until the time of Domitian, when Mettius Carus prosecuted the Vestal Cornelia.⁵³ But even in the much-detested prosecution by Carus against Cornelia, the case must be viewed in the context of Domitian's program of moral legislation: Suetonius relates the execution of the Vestals in his discussion of Domitian's other moral reforms, including checking license at the theater, prosecuting the *lex Scantinia* (which regulated homosexual relations among men), prosecuting for libels directed against people of high status, and barring men and women of good birth from the stage – it was all of a piece.⁵⁴

One final area we should note in which *delatores* will have made the morality of the individual their business was that of the censorship. We can only speculate the use censors will have made of informants in ascertaining the moral character of individual senators for revising the census roles, but informants surely played their part, on occasion, in telling the censors what they needed to know.⁵⁵ The census by its very nature was intrusive, for the simple reason that it scrutinized moral character and, *de facto*, one's private life. Macrobius states that usually censors only responded if a particular individual was denounced, rather than conducting any sort of systematic investigation, unless politically motivated, though there were times when investigations were formalized.⁵⁶ Late in the Republic, the *lex Clodia* of 58 BC stipulated that the censors could not exclude individuals from the senate without a formal accusation resulting in condemnation.⁵⁷ How did such accusations come to light? We know that accusers were employed to inform against *equites* at the yearly *transvectio*, an annual review of the knights on the Campus Martius instituted by Q. Fabius Rullianus in the late fourth century BC (Livy 9.46);

Suetonius says that by Augustus' day the custom had fallen into desuetude and that he revised it, but did not allow any knight to be dragged from his horse by an accuser (*Aug.* 38.3; cf. *Ovid Tr.* 2.89–90). We also know that Augustus actually forced *equites* to inform against themselves; using ten assistants from the senate, he demanded that each knight render an accounting of his life, actually punishing some and striking others off the rolls (*Suet. Aug.* 39.1). Individual accusers played a part as well. Dio tells us that in the course of taking the census in 18 BC, Augustus was embarrassed by an accuser who came forward to denounce a man who had taken to wife a woman with whom Augustus had previously committed adultery (54.16.6). Suetonius remarks that Claudius, too, used spies (*inquisitores*) to investigate the lives of those in the senate (possibly referring to the census of 47), although much of the information gathered proved inaccurate (*Claud.* 16.3). The one instance we have which might give us a window into how the process could function during the Principate is L. Vitellius' denunciation of L. Silanus. Having gained Claudius' ear, Vitellius accused Silanus of improper relations with his sister, and he lost his senatorial status (*Tac. Ann.* 12.4.1–4). Vitellius' denunciation was the result of rivalries within Claudius' court, but the use of the censorship to satisfy personal political grudges was by no means exclusive to the Principate.

Yet the republican precedent for *delatores* in the enforcement of moral legislation is by no means entirely adequate for explaining the dynamics which led to *delatio* under such laws in the Early Empire; there was a deeper dynamic which drove it. There is no denying that with the advent of Augustus there were new dimensions in moral legislation, in which, as one scholar has pointed out, the distinction of the public and private realms were "obliterated."⁵⁸ How to account for this collapse? And was it without precedent? The princeps assumed one very important office, censor, and one equally important title, *Pater Patriae*, "The Father of His Country." The Empire, in effect, became the princeps' personal household over which he had ultimate moral authority.⁵⁹ Moreover if, as was pointed out in the previous chapter, the princeps was every man's patron whom every man, as his client, was bound to serve, then how much more ought every man show obedience to the princeps who was, in effect, his parent? As one scholar has remarked, the princeps assumed the powers of censor and *pater* – and bestowed them on others, "making every man a censor."⁶⁰ Moreover, as *pater*, will he not have desired to ensure the fertility and continuity of his *domus*? Yet even this assumption of *patria potestas* (the power of a father over his house and family) by the emperor, as *de facto* the state's chief magistrate, was not entirely novel. Lacey has pointed out that in the republican period the consul acted as a *paterfamilias* for the state, and that Cicero felt that there was a close association between the *imperium* (authority to command) held by magistrates and the maintenance of the *domus* (the house).⁶¹ The Roman state was viewed, in a sense, as a household (*familia*), something illustrated by the central role of Vesta, goddess of the hearth, in the state pantheon.⁶² The emperor presided over the Vestals during the Principate, and,

as *pontifex maximus* with *patria potestas* over the cult, asserted that same power – emphasized in his title *Pater Patriae* – over the entire state.⁶³ In their larger social context, then, *delatores* are merely an instrument by which the moral fabric of Caesar's household is maintained, and Caesar's role as head of that *familia* is in essence an extension of the *patria potestas* underlying higher magisterial offices preexisting in the Republic.

Moreover, in a much broader and more general sense, as pointed out tangentially in the introduction to this chapter, moral legislation, with its attendant intrusion into private life, was nothing new to the Principate. Luxury laws, the prohibition against Bacchic rites based at least in part on moral reservations, scrutiny of personal behavior before the censor, all had ample precedent. In Caesar's day informants even spied on people's dining rooms in an effort to enforce his sumptuary legislation, and it certainly was not the first time a law against luxury had made itself so intrusive.⁶⁴ Tiberius, as noted earlier, had refused to implement such laws for that very reason. Later on, under Domitian, Juvenal indicates that sumptuary legislation was reinforced, and that *delatores* were active under it; hence in his parody of Domitian's council (concerning what to do with a large turbot), Juvenal (4.46–8) could quip, "For who was daring to set forth or buy such a thing [referring to the turbot], when the shores were full of many a *delator*?" The implication in Juvenal's satire is that the law demanded that the fisherman should take the fish to the emperor rather than sell it and risk prosecution. The parody could well have the ring of truth about it; Domitian, as noted, instituted strict moral reforms, something in keeping with the Flavian frugality of which Tacitus speaks so approvingly (Tac. Ann. 3.55). While *delatores* certainly had new scope under Augustus' social legislation, it would be wrong to attribute their activities simply to his program, to the exclusion of deeper, more fundamental ideological concerns which underpinned Roman society and culture in general. Finally, it is worth noting that despite his disapproval of Augustus' legislation, Tacitus himself laments, more than once, the general decline in the ancient customs which had once been a part of Roman society, and which Augustus sought to restore.⁶⁵ Tacitus recognized, as did Augustus, the problem; it was the hindsight of a century that bestowed on Tacitus the luxury of disapproval.

Provincial administration

Delatores and repetundae

The need for oversight of state officials became increasingly important as Rome expanded its rule throughout the Mediterranean. During the Republic there are numerous examples in which prosecutions *de repetundis* took place for abuse in Rome's increasing number of provinces – too many to treat in individual detail here.⁶⁶ Many of our trials under the Republic, as was to be the case for the Principate, were politically inspired; it is not always easy, consequently, to

determine when a prosecution *de repetundis* is a genuine case of law enforcement, and when it is a matter of politics, and, perhaps not surprisingly, the two sometimes coincide.⁶⁷ Arguably, for example, Cicero's orations against Verres encompass something of each: there is no question, given what we know of the case and Verres' guilt-ridden self-imposed exile, that Cicero's prosecution was a matter of bringing criminal charges to bear against a guilty party. But there was also a clear political element to the case as well, since at stake was the composition of the criminal courts in which senators were to be tried. Yet, whatever the motivation may have been in prosecutions during the Principate, there can be little doubt that provincial maladministration was a particular problem the early emperors took particular care to control, and that it was an improvement on the Republic. Indeed, in the introduction to his *Annales*, Tacitus notes the improved status of the provinces attendant with the Principate's advent:⁶⁸

Nor did the provinces reject the new state of affairs, with the command of the senate and people suspected on account of the conflicts among the powerful and due to the avarice of the magistrates, with the assistance of the laws ineffectual, since they were thrown into disorder by violence, bribery, and at last by money.

(1.2.2)

Under Augustus, oversight of provincial administration was given over entirely to the senate by the SC *Calvisianum*, which made that body responsible for prosecuting cases *de repetundis*.⁶⁹ The standard penalty for one found guilty of *repetundae* was exile (*relegatio*), sometimes with partial confiscation.⁷⁰ In the implementation of the laws *de repetundis*, the senate appears to have been relatively lenient towards its own; Talbert sees the leniency as compensation for the *maiestas* cases visited on the senate in the Early Principate, and there was surely an element of senatorial solidarity in this area.⁷¹ A charge of *maiestas* conceivably lurked behind every charge *de repetundis*, although this was no novel development, since there was ample precedent for the connection of the two charges during the Republic.⁷² Those cases prosecuted under *maiestas* will, for the most part, be discussed in the following chapters. Here it is our intent to discuss only those cases of *repetundae* which appear to be genuine attempts – as near as we can tell – to check abuses in the provinces, some brought up by the provincials themselves, despite their depiction in our sources as morally dubious prosecutions.

One of the few and earliest references we have to a prosecution for provincial maladministration from the Principate is Valerius Largus' case against Cornelius Gallus, Augustus' praefect of Egypt, in 26 or 27 BC.⁷³ The case against Gallus is full of uncertainties; Dio (53.23.5) tells us that he spoke disrespectfully of Augustus, set up images of himself throughout Egypt, and inscribed a list of his achievements on the pyramids. Support for Q. Caecilius

Epirota (Suet. *Gram.* 16), expelled from Augustus' friendship for immorality, made up an additional charge. No conspiracy can be detected, and it has been argued that Gallus was simply guilty of mismanagement of his province; Augustus renounced his friendship with Gallus, while the senate took harsher measures against him, and earned the emperor's praise for its *pietas* (Suet. *Aug.* 66.2). As Raaflaub and Samons have noted, self-aggrandizement and the disrespect shown for his friendship with Augustus seem the only charges against Gallus, and these could have translated into provincial maladministration. Valerius Largus was an intimate and friend of Gallus, and the whole episode might be akin to what we find nearly forty years later in the accusation by Caepio Crispinus against Granius Marcellus, in which a lower magistrate on a governor's staff exploits his relatively intimate position to accuse his superior. What charges Valerius ultimately brought are obscure, but he was the first to accuse, and he was followed by many others; the senate voted that Gallus should be convicted in the courts, exiled, his property confiscated and given to Augustus, and that the senate should offer sacrifice (Dio 53.23.6). Dio says that many members of the senate went over to Largus, abandoning Gallus, because Largus had grown powerful, and that Gallus, seeing that all was lost, committed suicide. Suetonius indicates that the accusers had no small part in driving Gallus to his death, although one suspects that Augustus' *renuntio amicitiae* (renunciation of friendship) was also a deciding factor.

Repetundae prosecutions were essential and necessary for the effective workings of government and for establishing goodwill and stable relationships between Rome and her subjects, who could not prosecute cases themselves, but who could hire a patron from the senate to do so.⁷⁴ Some of our most "notorious" prosecutions stem from those *de repetundis*; yet we should be skeptical. Our sources are prone to cast in a bad light what was in fact an important means of controlling corruption, and we know that our two most important and vocal critics of this activity, Tacitus and Pliny, both acted as prosecutors in similar cases. Such trials must be stripped of their rhetoric. When we set them instead in the context of Tacitus' remarks about the improved governance of the provinces and in their larger historical context both before and after this period, the cases *de repetundis* used to brand individual prosecutors as *delatores* weaken. The best example of this occurs early in Tacitus' *Annales* when Ancharius Priscus prosecutes Caesius Cordus in 21; Tacitus presents the accusation as one in a series of relentless prosecutions pursued by Tiberius and his minions at this time: "For neither Tiberius nor the accusers were growing weary" (*Non enim Tiberius, non accusatores fatiscebant*).⁷⁵ The remark introduces Ancharius' case against Cordus for *repetundae* in Crete; admittedly, Ancharius tried to turn it into a case of *maiestas*. While that charge was dismissed, he was given leave to prosecute the charge *de repetundis*, granted a year to collect evidence, and it was not until the next year, 22, that the case was formally tried, with the Cyrenians acting as the province's representatives.⁷⁶ The senate voted to condemn Caesius. Tacitus presents Ancharius as yet another *delator*, but we

would do well to remember that a condemnation in the senate is almost always a significant sign of genuine wrongdoing, given that senators were generally forgiving of their own. Caepio Crispinus, who seven years earlier had attempted to prosecute Granius Marcellus for *repetundae* while governor of Bithynia, was no more successful in attempting to introduce a case of *repetundae* under the *lex maiestatis*, and merely succeeded in having the charges against Granius reduced from criminal to civil ones, since his case was referred *ad recipiarios* (Tac. Ann. 1.74.6–7).⁷⁷ An equally embellished presentation appears in the trial of C. Silanus, a former governor of Asia, in 22, whom Mam. Aemilius Scaurus, Junius Otho, and Bruttidius Niger prosecuted for *repetundae* and *maiestas*.⁷⁸ Tacitus invidiously represents this as a sign of the growing power of Sejanus, making much of the connections of Otho and Niger to the praefect, even though it is difficult to see what Sejanus could have stood to win by Silanus' prosecution. There was never doubt concerning his guilt on the charge of extortion, although Tacitus clearly found the accusers distasteful, and his portrayal of Silanus is clearly sympathetic (Ann. 3.67.2). The senate condemned Silanus for *repetundae* and exiled him to Cynthos, but the *maiestas* charges were never heard of after their introduction and were probably dropped.⁷⁹ Some scholars have suggested that the charge of *maiestas* could have been introduced in the first place simply to discourage others from coming to Silanus' assistance, or as something intended to assist in the investigation of the *repetundae* charges, since the *maiestas* charge would have allowed for the interrogation of slaves – which did in fact take place.⁸⁰

In all three cases Tacitus paints the accusers in as sinister a light as possible, despite, in the cases of Silanus and Caesius, in particular, the clear guilt of the accused. Tacitus gives something of his sympathies away, however, in the case against Vibius Serenus the Elder, himself a notorious *delator* in the case against Scribonius Libo in 16. In this instance, Tacitus expends considerably less sympathy on Serenus for his condemnation *de vi publica* (violence against Roman citizens) during his tenure as governor of Hispania Ulterior, and has nothing derogatory to say concerning the prosecutor, merely the victim, revealing something of his prejudices in the way he presents prosecutions (Tac. Ann. 4.13.2).⁸¹ Yet we may doubt whether Vibius' actual offense was any different in substance from that of Silanus. The case in 24 of Q. Veranius, a friend of Germanicus, against L. Calpurnius Piso, brother of Cn. Calpurnius Piso, could have been, as much as anything, a prosecution *de repetundis* (Tac. Ann. 4.21.1–4). Tacitus plays up Veranius' accusation that Piso had held secret (and treasonable) conversations (presumably against Tiberius) and added charges of possession of poison and entering the senate armed with a sword. Tacitus says that the last of these charges was dismissed, while the first accusation was the one the accusers were particularly intent on prosecuting, and that inasmuch as it was directed against secret conversations (*secreti sermones*), represents an extension of *maiestas* to the spoken word.⁸² Before the prosecution could take place, however, Piso died. Syme has suggested (1986: 376) that there

may have been more to the charges than Tacitus divulges, for Tacitus vaguely states that there were many other charges that were stacked up against the defendant (*ceterorum, quae multa cumulabantur*); in addition, Syme noted that an inscription from Samos indicates that Piso's name has been erased, suggesting rapacity in the province of Asia where he had been governor which could explain Tacitus' obscure remark. The phrase need not mean that Piso's secret conversations were a part of the charges ultimately accepted; the evidence for provincial maladministration, in light of the inscription, seems weightier than for *maiestas* (relating to the spoken word). Despite the sinister twist Tacitus puts on the case (Piso is portrayed simply as the victim of Tiberius' long stored up hatred), Piso may well have been guilty, and Veranius, ever loyal to Germanicus, will have welcomed the opportunity to continue the vendetta against Piso and his family enjoined on him by the dying Germanicus (Tac. Ann. 2.71). We can only conjecture Tacitus' treatment of Avillius Flaccus, if he indeed made it into the pages of the *Annales*. A corrupt praefect of Egypt and one of the *delatores* arrayed against Agrippina the Elder in 29, he was himself prosecuted before Gaius in 39.⁸³ His prosecution, exile, and execution under Gaius will surely have elicited no sympathy from Tacitus, who will have seen it as pay-back for his denunciation of Agrippina the Elder, rather than a genuine attempt to punish his maladministration of Egypt, although both no doubt would have come into play; there was, in addition, a dynastic element to the prosecution, since Avillius was a supporter of Gaius' ostensible rival, Gemellus.

Similar cases arise under Claudius and Nero, though there is a lengthy gap in our sources since we have few details of any *repetundae* cases until 49, when Cadius Rufus was accused and condemned for *repetundae* by the Bithynians, though Tacitus has little to say about the case.⁸⁴ The Bithynians are heard from again in 62, this time bringing up charges against the notorious Tarquitius Priscus for *repetundae*. Tarquitius had been Agrippina the Younger's agent in the fall of Statilius Taurus in 53 (see below, pp. 109–10); consequently, as was the case with Serenus, Tacitus extends little sympathy for a case he views as justly prosecuted (Tac. Ann. 14.46.1). Similarly, in 57 the Cilicians prosecuted the already notorious Cossutianus Capito for *repetundae*, but Tacitus loses no sleep over his condemnation, asserting that he was tainted and befouled (*maculosum foedumque*) by his previous career as a *delator*, and that his governance of Cilicia did nothing to redeem him (Tac. Ann. 13.33.3). Thrasea Paetus acted as the Cilicians' patron in accusing Cossutianus, something Tacitus studiously avoids mentioning until three books later, in the course of Cossutianus' denunciation against him (Tac. Ann. 16.21.3). Nor does the proposed attack by suborned accusers against the hated Suillius Rufus for maladministration in Asia bother Tacitus (Tac. Ann. 13.43.1). Despite the relative dearth of prosecutions *de repetundis* attested to in our sources at this period, theoretically, at least, Claudius' reign should have seen a rise in the number of prosecutions for provincial maladministration, since, good antiquarian that he was, Claudius reintroduced onto the books the principle that no provincial governor was to

hold another office immediately after his retirement from a governorship. It was an attempt to check the venality of imperial officials in the provinces, and to make them easier targets for prosecution (Dio 60.25.4–5).

The phenomenon is not well documented after Nero, though Suetonius remarks that *repetundae* trials became more common under Vespasian; he reportedly hand-picked rapacious individuals with a view to subsequently prosecuting them for *repetundae* and procuring funds for the *fiscus*, a report that we may want to take with a grain of salt (Ves. 16.2). In fact, prosecutions *de repetundis* appear to have been a less necessary evil under Domitian than during the reigns of Nerva and Trajan, at least according to Suetonius, who indicates that Domitian was utterly scrupulous in his choice of provincial magistrates (Suet. *Dom.* 8.2). Suetonius' remark may be a comment on the subsequent age, which saw a number of famous prosecutions *de repetundis* (none of which, it should be noted, are known to have been subsumed under the charge of *maiestas*); indeed, Suetonius notes a precipitous decline in the quality of the governance of provinces after Domitian's time (Suet. *Dom.* 8.2).⁸⁵ Concerning Domitian's reign, the most famous, indeed, the only prosecution conducted purely for a charge *de repetundis*, as far as we know, was that of Baebius Massa for misconduct during his governorship of Baetica, with Herennius Senecio and Pliny as accusers (see below, pp. 131–2).⁸⁶ Thanks to Pliny, we know of a number of *repetundae* trials under Trajan, some of which clearly should raise our suspicions about *delatores* as exclusive to the reigns of “bad” emperors: sometime after Domitian's death came the trial of Caecilius Classicus, a man guilty of maladministration in Baetica.⁸⁷ Classicus' death (which was either natural or, less likely, self-inflicted, Pliny leaves the matter uncertain) forestalled his trial, but the case continued nonetheless – a move that was legal but had fallen into abeyance – in order to attack certain of Classicus' accomplices.⁸⁸ Pliny appeared for the Baetici along with Luceius Albinus. In this case the senate acted prudently: all of Classicus' property prior to his governorship of Baetica was set aside for his daughter, all else was returned to the provincials, and all of his loans were recalled from his creditors and went to the provincials as well.⁸⁹ His accomplices were exiled for periods of anywhere from five years to life, though some were acquitted. Again, Pliny, in his defense of Julius Bassus, himself labeled the opposing side *delatores*. Bassus had been governor of Bithynia under Nerva; in his defense, Pliny impugns the motives of the accusers Varenus Rufus and Pomponius Rufus along with Theophanes, a representative of the province.⁹⁰ Pliny maintained that the charge was a result of a conspiracy of *delatores* out for profit; he also asserted that the personal hatred of Theophanes for Bassus was driving the case, and that Bassus' only offense was accepting gifts from the provincials which the prosecution made out to be stolen loot, though Pliny allows that the acceptance of such gifts was forbidden by law.⁹¹ Pliny's presentation cuts two ways, and we should be circumspect: Pliny, like a good defense lawyer, could be excusing the extortion of his client (and employing rhetoric to make *delatores* out of perfectly legitimate prosecutors attempting to

redress wrongs). On the other hand, if we accept Pliny's depiction, then it shows that scope was still to be had for *delatio* in this sphere under Nerva and Trajan – profits were still to be made under the pretense of justice. Either way, Pliny's presentation illustrates the abiding presence of *delatores* – real or supposed – in Roman society, and unwittingly reveals, at least in the case of Bassus, that one person's justice may be another person's *delatio*.

Something of Pliny's inconsistency has already been brought out in our discussion of Tacitus' treatment of these prosecutions, which selectively malign individual prosecutors. Hence, Tacitus criticizes Ancharius Priscus but is arguably sympathetic towards Silanus; the same sympathy is not expressed when Capito or Serenus are tried, nor do their prosecutors come in for the same harsh treatment. Tacitus himself should have known, and did know, better. In addition to his statement at the opening of the *Annales* concerning the improved status of the provinces, he had further noted in the *Dialogus* (through the voice of M. Aper) that it was important for an orator to build up his clientele (*clientelae*) in the provinces by prosecuting the perpetrators of injustice in the courts (Tac. *Dial.* 5.4; cf. 41.2). His own prosecution and conviction (with Pliny) of Marius Priscus makes his depiction of this phenomenon all the more suspect.⁹² Moreover, we may question whether the workings of the *repetundae* laws were any harsher during the Principate than the Republic; even then the condemned faced exile, confiscation, and loss of citizenship.⁹³ "Delatores" might have taken advantage of the law under the Principate, and opportunities for such prosecution surely increased, inasmuch as now not only the offending governor but *equites*, non-official agents, and other members of the governor's staff (his *socii ministrique*) could be prosecuted.⁹⁴ It was not a regression, but improvement, as Tacitus himself remarks; but the prosecutions cited above, in many of which provincials took part to redress genuine wrongs, should have no place in an attempt to construe the Early Principate as a tyranny. Far from it, it shows that justice was at work in an effort to liberate provinces from occasionally rapacious senators.

Delatores in the provinces

In the provinces themselves, *delatores* were a constant presence from the Republic through the Empire, and even the likes of Pliny relied on them from time to time. An interesting and eclectic array of sources, including Pliny's correspondence with Trajan, Dio of Prusa's (Chrysostomus') rhetorical works, and the New Testament, offers a relative wealth of material illustrating *delatio* in the provinces during the imperial period, while for the Republic we must put ourselves almost exclusively in Cicero's hands. Pliny's and Dio's works offer us one of the best views into how – I assume – a relatively scrupulous and attentive governor would make use of *delatores* in his province.⁹⁵ The sources also give us one of our few glimpses of delation and *delatores* outside of Rome itself.

Personal animosity, factionalism within the cities of Bithynia-Pontus, simple matters of local petty corruption, all motivate the *delatores* found in Pliny's correspondence with Trajan. Dio Chrysostomus' works also give us a window on this phenomenon. To judge from Chrysostomus, there seems to have been a large number of cases on the docket when Pliny arrived in his province, as well as a number of suits Pliny's predecessor, Servilius Calvus, had left unresolved (Dio Chrys. Or. 74.2–3). One such case (about which almost nothing is known) was that in which an unnamed *delator* had brought up a case of an unknown nature against his *adversarii*, all of whom Calvus had subsequently banished from the province for three years, but who had returned before the allotted time was finished; Pliny investigated the *delator*'s complaint concerning the early return of his enemies to the province (consulting the emperor), and found that Calvus had rescinded the sentence of the *delator*'s enemies.⁹⁶ Again during Pliny's tenure in Bithynia, certain citizens of Nicomedia came forward to denounce Flavius Archippus for not completing his sentence for forgery under Velius Paulus in the early 80s.⁹⁷ Archippus could provide no evidence that his sentence had been reversed, relying instead on letters of Domitian attesting to his character and an edict of Nerva confirming benefits granted under Domitian; Pliny sent Archippus' appeal to Trajan, who trusted to Archippus' character and stated his belief that Domitian had overturned the previous verdict against Archippus, dismissing the petition of his *accusatrix*, Furia Prima.⁹⁸ Furia's motives in the case are unknown, and while there is no evidence, contra Sherwin-White, that there was any sort of long-standing feud between Furia and Archippus, it is safe to conjecture that she had somehow been injured by Archippus' earlier criminal activities. A *cause célèbre* was also tried during Pliny's tenure: Dio Chrysostomus was accused of profiteering from some public works in Prusa, and of setting up a statue of the emperor in a building where his own wife and son were buried, something which the *delatores*, led by Claudius Eumolpus (acting on behalf of Flavius Archippus) tried to introduce under a charge of *maiestas*.⁹⁹ The case was a complex one, and Pliny was forced to consult the emperor; Trajan's relatively stern reply is that Pliny dismiss the charge of *maiestas*, and that he force Chrysostomus to render an account for all work carried out under his management (Ep. 10.82).

Pliny's caution in accepting the charges of *delatores* is noteworthy in all of his letters, and perhaps nowhere more so than those which relate his investigation of the Christians. Pliny conducted (relatively) careful examinations (*cognitiones*) of those denounced as Christians in anonymous pamphlets rather than summarily condemning them (Ep. 10.96). When so many accusations arose that they endangered a great number of people, Pliny was forced to write to Trajan and ask him what to do about the anonymous denunciations.¹⁰⁰ Trajan replied that such denunciations ought to have no place in any charge Pliny prosecuted (Ep. 10.97). G. J. Johnson (1988: 418) has argued, rightly I believe, that such *delationes* as Pliny mentions could have been the result of private quarrels between provincials of the sort Pliny would be compelled first to

investigate, then to dismiss or prosecute accordingly. But part of Pliny's mandate in the province was also to check guilds (*hetairiae*), and this put him on the horns of a dilemma, since the Christians arguably constituted such an organization. Consequently, Pliny was obligated to curb them. The episode shows how diligent a governor had to be in checking delation in his own province if it threatened to become disruptive. An edict of Augustus dated to 6–7 BC shows what could happen if a governor was not vigilant in checking accusations in his own province and if *delatores* were allowed too free a reign.¹⁰¹ In the province of Cyrene, Roman citizens were colluding, conspiring to act as accusers (*kategorounton*) and witnesses (*martyrounton*) in support of capital charges against certain members of Cyrene's Greek population. The jury members were Roman and expressed prejudice against the accused. This forced Augustus to intervene and demand that in the future the jury panels contain the same number of Greeks (of the highest property qualification, like their Roman counterparts), and that the Greek defendant be given a choice of a jury that was either entirely Roman or half Greek.¹⁰² Augustus also stipulated that the governor no longer allow Romans to act as prosecutors of Greeks unless the Greek was a Roman citizen and one brought up on a capital charge at that.

The procurator of Judaea, Pontius Pilatus, gives us yet another example of how *delatores* could prove useful to a governor in his province. The gospel versions of Pilate's activities as procurator, including the arrest and trial of Jesus – if indeed there was one – are notoriously problematic. Difficulties in using the New Testament as a source include the gospels' dates and places of composition, their intended audience, and the question of just how interested their authors were in "getting the account right." The date of composition is particularly important: inasmuch as the gospels were composed between AD 70 and 90, a great deal of turmoil – including the Jewish Revolt of AD 66–70 that resulted in the final destruction of the second temple – will have taken place between Jesus' own lifetime and the gospels' composition. The portrayal of Jesus' own actions could not help but to have been colored by subsequent events. We therefore have two ways – for our purposes – to read the account: either the gospels are genuinely historical or they are anachronistic. Either way, the gospels no doubt contain hefty doses of historical fiction; nonetheless, they at least reflect (relatively) contemporary realities such as appear in Roman historical sources.¹⁰³ Now let us for the moment read the gospels as purely historical texts genuinely reflecting – with little anachronism – the conditions of Judaea in the 30s. Before so doing, it is important to note that the reconstruction of the trial's mechanics, despite the potential for historical anachronism, pose considerably fewer difficulties than reconstructing the actual charges and reasons for his prosecution. The trial started first on a local level: in Mark (whose primacy over the other gospels I assume) and Matthew, Jesus' accusers charge him before the Sanhedrin with blasphemy.¹⁰⁴ According to Matthew the elders held a series of interviews in an effort to find an individual who would act as a false witness (*ezetoun pseudomartyrian*) and state false evidence that he had

heard Jesus boast that he would destroy the temple and rebuild it in three days (26.59–61); Jesus' response to the charge was ambiguous, and this infuriated the high priest, who accused him of blasphemy. Mark's version (14:56–64) agrees in essence with Matthew's although he adds the detail that the false witnesses were not able to produce a coherent version of Jesus' crimes. After the preliminary hearing before the Sanhedrin, Jesus was led to Pilate, who proceeded to interrogate the accused; Jesus refused to answer.¹⁰⁵ Pilate, despite his misgivings, seemed unwilling to alienate the leaders of the community by releasing him, even though he purportedly saw no wrong in him and even suspected the priests' and elders' motives (Matt. 27.12–23). Luke's account adds some specific (and telling) details concerning the charges lodged against Jesus, which included offenses against Jewish custom, sedition, and urging non-payment of tribute to Caesar (Luke 23.2–5; 23.14). Pilate, as had Herod Antipas, found the charges groundless (Luke 23.14–15), and the gospel accounts depict Pilate as a reluctant arbitrator in the case.¹⁰⁶ In all four gospels the multitude demands Jesus' punishment at the instigation of the chief priests and elders, and Pilate's response is to bend to the will of the people.¹⁰⁷

Read between the lines, we actually see in the trial of Jesus an example of how *delatores* (Mark 15.3 and Luke 23.1 use the verb *kategorein*) could act in imperial interest, and at the same time serve the interest of their own community. There was considerably more to the charges than Jesus' followers who wrote the gospels were inclined to report: from the Roman (as well as Jewish) perspective, there was real reason for Pilate to arrest and execute Jesus – if the gospel accounts are credible. Among other offenses were Jesus' receipt of the title king, his assembling of the 5,000 in the desert, and his blatant identification, in various ways, with the Messianic movement.¹⁰⁸ Moreover, Herod Antipas' attempt to destroy Jesus and his followers, even before he left Galilee, appears to indicate that there was surely a movement, early on, which the authorities perceived as subversive in its intent. In addition, Mark's (2:13–17) and Luke's (23.2–5; 23.14) gospels indicate Jesus' stand against payment of Roman tribute.¹⁰⁹ Any charge that was ultimately drawn up against him likely "was that of the assumption of royal power as the 'King of the Jews', with subsidiary charges of inciting the people to revolt and not to pay the Roman tribute."¹¹⁰ It is also tempting to append to these charges those of magic practices, a serious offense always, but in particular if such practices were perceived as employed for seditious purposes. We need only recall the reports which will have reached Pilate's ears about Jesus' prophecies, coupled with rumors about raising men from the dead and miraculous healing – all done with a view to persuade people over to his side.¹¹¹ One more item that will have weighed in the balance against Jesus was his role as prophet, something which, as Potter has noted (1994: 171–82), the Roman authorities did not dismiss lightly.¹¹² Pilate was probably not nearly as reluctant to accept the charges as the gospels assert, indeed, far from it, for he executed two other dissidents as an example along with Jesus.¹¹³ Yet the gospel accounts also indicate that the

accusers were skillful manipulators, putting a sinister spin on his actions: "The telling phrase – 'If you let this man go you are not Caesar's friend' – recalls the frequent manipulation of the treason law for political ends in Roman public life, and uses a notable political turn – *Caesaris amicus* – to enforce its point."¹¹⁴ Moreover, Pilate may have been a cautious man in this instance. The Jewish leadership in Jerusalem reportedly conducted their own inquiry and drew up preliminary charges which Pilate then accepted; any formal trial has recently been called into question, and Jesus' punishment was probably relatively summary, perhaps in the nature of the informal investigation (a *cognitio extra ordinem*) followed by punishment that Pliny meted out two generations later to the Christians in Bithynia – though in the rougher neighborhood of Palestine, less legal formalities may have been in order, and Pilate will probably have had – as did Pliny – a rather free hand.¹¹⁵ It is worth remembering, moreover, that Jesus had acted in a manner with potentially explosive implications for both the local Jewish and the Roman civil authorities – entering the city in a manner to assert his identity as the Messiah, overturning the tables of the money-changers in the temple during Passover, (possibly) threatening the destruction of the temple, and arming his followers the night before his arrest.¹¹⁶ Pilate will have known Jesus and his followers, and no doubt will have been happy to accept the charges leading to his arrest and the defusing of a powder keg.¹¹⁷ As such, the arrest and "trial," such as it was, represents an example of how *delatores* on a provincial level helped to meet opposition and resistance to Roman rule, and of their utility in disarming potentially dangerous subversives.

Yet, what if we choose to see most of the charges as anachronistic and to read them in light of all that had passed between the time of Jesus and the composition of the gospels? That may matter but little: even if we allow that just one of the charges against him was accepted, there will have been a strong case. And dismissing the charges wholesale as anachronistic may be wrong-headed, considering that in a number of details of Jesus' life the gospels are in broad general agreement (such as magic practices, which need not be anachronistic – there were plenty of magicians running about the empire and they were viewed generally with suspicion by the authorities).¹¹⁸ In a somewhat peculiar twist, however, the very anachronisms that may have found their way into the gospel accounts appear in legal (and Roman) terms to construct an overwhelming case against Jesus. One final footnote: the character of Judas, if he indeed existed, stands very much in the context of a Curius, Vettius, or Flavius Milichus.¹¹⁹ As the follower of a subversive group which faced imminent arrest and prosecution by the authorities, Judas will have turned *delator* with a view to gaining immunity from the harsh punishments which could potentially follow; the question of cash rewards, if indeed there were any, could well have been secondary.

A very different process, as is well known, took place in the case of Paul, who as a Roman citizen (something Jesus was not), was entitled to special consideration by Felix, procurator of Judaea between 52 and 60.¹²⁰ Felix, according to

Acts, gave Paul special consideration after his arrest, and waited to put Paul on trial until his accusers arrived; they were headed by Ananias, the high priest, the elders of the community, and Tertullus, an orator who formally presented the charge that Paul had profaned the temple and was to be counted among the remnants of Jesus' followers (Acts 24.1; 24.5–6): "We have found this man a pestilent fellow, and a mover of sedition among the Jews throughout the world, and a ringleader of the sect of the Nazarenes" (Acts 24.5). It has been plausibly asserted that, inasmuch as governors were generally unwilling to convict on purely religious grounds, the accuser in this instance was attempting to change a religious into a political case by adding the charge of sedition.¹²¹ The investigation did not go well for the plaintiffs. Felix was willing to lend an ear to Paul's defense and reasoning, according to the author of Acts, because his wife, Drusilla, was Jewish, and Felix let the case hang fire for two years until his successor, Festus, took command of the province in 60 (Acts 24.10–27).¹²² By the time the case finally came before Festus, Paul had made his appeal to Caesar; Festus could have acquitted Paul, but instead sent him to Rome.¹²³ This was not the first time Paul had been the victim of *accusatores*; several years before, in Corinth, the governor Annius Gallio (Seneca's brother) refused to entertain the denunciations by the Jewish community there against Paul (Acts 18.12–16). Acts is unclear on the precise nature of the charges, but they appear to have been strictly religious in nature.¹²⁴ As Sherwin-White (1963: 100) points out, one of the reasons for Gallio's dismissal of the charges may have been that there were no formalized rights to which the Jews could lay claim by which they could force compliance with Jewish religious custom on fellow Jews.

Not all provinces were as fortunate to have scrupulous governors who took care to look to the merits of an *accusator's* case. Looking to the Republic, we have a very different picture of Verres' governance of Sicily as related by Cicero; Verres, it appears, kept a number of *quadruplatores* and *accusatores* on the payroll in the interest of making a killing in his province. It was their task to keep an eye out for those provincials with particularly fine household furnishings or works of art, or to spy out who had recently come into a particularly lucrative inheritance, and bring it to Verres' attention. One of Verres' freedmen, Timarchides, was the apparent overseer of Verres' "staff" of these creatures and used them to fulfill both his own and Verres' desires (Cic. Ver. 2.135). Timarchides is not an isolated case. Before Sicily, Verres spent time in Asia, where he employed a certain Rubrius, who fulfilled the same office (Ver. 1.64). While we are informed here only about the most negative aspects of this activity – and we could cite further cases – such characters will have also served a vital if unpopular function in helping to enforce justice in the province or in the collection of revenues.¹²⁵ Perhaps the finest example of the provincial *quadruplator* (or any *quadruplator*) in action is a certain Naevius Turpio: Dio of Halasaea received a large legacy, and Verres put up Naevius to lay a false charge against Dio for not erecting statues in the Forum as his public duty demanded, and to argue that, having failed to do so, his inheritance was forfeit to Venus of

Eryx.¹²⁶ The outcome of the case was that Dio, in order that he not forfeit his entire legacy, paid a very large sum to Verres instead, and had his estate looted of its thoroughbred mares, silver, and tapestries. The employment of prosecutors for the laying of false charges was not an isolated incident; they were occasionally suborned to accuse others in order to divert suspicion of various offenses from Verres himself, although such procedures were little more than *pro forma* kangaroo courts. Hence, Verres suborned one anonymous agent in the case of a "theft" (really Verres' own appropriation) of a statue of Ceres at Catina; in this instance an accuser was suborned to testify against a slave, and false witnesses put up to corroborate the story (Cic. Ver. 4.100).

Such abuses continued into the imperial period. According to Philo, Avillius Flaccus, praefect of Egypt late in Tiberius' reign, made use of Isidorus and Lampo in Alexandria for the purposes of delation, and Flaccus was less than diligent in his oversight of the cases they brought before him.¹²⁷ Josephus relates the case of Catullus, governor of Libyan Pentapolis under Vespasian (BJ 7.437–53). There was a Jewish community there, but it was torn by factional strife. A particularly obnoxious ringleader of one of the factions, Jonathan, who led a group known as the *sicarii*, was arrested; to save himself, he denounced (probably falsely) the wealthiest members of the Jewish community in Cyrene, whom Catullus proceeded to have murdered (Josephus puts the number of his victims at 3,000), and then confiscated their possessions for the imperial treasury. The accusations spread to encompass Jews in Rome and Alexandria as well, until Vespasian, after a personal interview with Catullus, Jonathan, and his followers, detected their wrongdoing. Jonathan was executed, but Catullus got off with only a reprimand (although he died soon after). Much more common probably was the abusive delation the *publicani* (tax-gatherers) practiced in provinces where they were still active; a passage in Luke is instructive of the trouble *publicani* could and did make for others:¹²⁸ when passing through Jericho, in Judaea, Jesus was reproached for going to dinner at the house of Zacchaeus, an apparently detested *publicanus*; the gospel reports that during Jesus' stay, Zacchaeus repented of his past activities as a tax farmer – and as a notorious *accusator* as well: "Behold, Lord, the half of my goods I give to the poor; and if I have taken any thing from any man by false accusation (*esykophantesa*), I restore him fourfold."¹²⁹ Zacchaeus' remarks may be illustrative of how some *publicani* will have made extra money on the side, if not actually a fair percentage of their profits. Nor is this an isolated example. Bringing false charges in the interests of gaining the property of opponents was an occasional problem in the provinces, according to Dio Chrysostomus (see e.g. Or. 43.6), and it is not past thinking that this could have motivated some of the *delatores* in his own province to denounce others as Christians under Pliny. Again, Dio Chrysostomus could use as a defense when being attacked by the mob for the high price of grain in Prusa that he had never placed anyone in jeopardy of losing their estate by accusing them under the pretense that it belonged to Caesar, or as an advocate had played false to anyone (Or. 46.8).

What Chrysostomus here refers to is the activity of malicious accusers who denounced others (falsely) of encroaching on imperial estates; their property – or a part of it – would likely have been confiscated and turned over to the state, with the accuser getting a cut.¹³⁰

Civil and fiscal crimes

The activities of *delatores* in the provinces, their prosecutions of provincial maladministration, and their enforcement of Augustus' moral and marital legislation is, as it were, the sexy and glamorous part of a phenomenon which also had its more mundane side. *Delatores* were equally (if not more) active in the prosecution of crimes both civil and fiscal in nature as well. We know that *delatores* played a role in the enforcement of laws regulating usury, inheritance, and later, under the Flavians, in checking those evading the payment of a special tax to the treasury for practicing Judaism (the *fiscus Judaicus*). While there was almost certainly greater opportunity for legal transgressions in this area, prosecutions are not well attested, and understandably so, for they do not offer our sources particularly good opportunities to exploit the enticingly lurid or politically charged cases which attract their (and our) attention.

A crisis in credit in 33 gives us virtually our only window into how *delatores* enforced certain fiscal regulations. Tacitus reports that accusers were targeting those lending at an excessive rate of interest, and in 33 the level of prosecutions reached proportions so intense that the matter had to be referred to the senate. Tacitus presents the sudden onset of the problem in stark terms: "The accusers' great violence broke in against them" (*magna vis accusatorum in eos inrupit*).¹³¹ The *accusatores* were going after individuals, senators in particular, who had increased their wealth through usury contrary to a law passed by Julius Caesar regulating both the extending of credit and the ownership of property in Italy; Tacitus himself found the enforcement of this law distasteful, noting that it had long gone into abeyance, though it never appears to have been abrogated. It is uncertain what the precise nature of this law was or what penalties its violation entailed, but as concerns usury, it was probably simply intended to prevent lending at an excessive rate.¹³² After the large number of cases forced the praetor to refer the matter to the senate, Tiberius intervened, giving a grace period of eighteen months to settle all accounts. A senatorial decree ordered creditors to invest two-thirds of their capital in Italy and the debtors to pay back two-thirds of their debts. The legislation, however, proved a scoff-law, and *accusatores* – understandably and in accordance with the law (since it was ignored) – continued to ply their trade, ruining men of repute and rank until Tiberius intervened by distributing 100,000,000 sesterces to the banks and imposing a three-year moratorium on usury, provided the borrower give surety to the state at double the loan's value.¹³³

Despite Tacitus' presentation of this episode as the product of a violent onslaught of *accusatores*, the law they were seeking to enforce was by no means

without socially redeeming value, for it was designed to alleviate certain tensions and injustices perennially existing among those of different social and economic status. Indeed, in the very same chapter where Tacitus relates the supposedly dire threat the activities of the *accusatores* posed, he admits that usury had been an inveterate source of discord for the Romans; this leads him to a short digression on the history of the problem, which was not a new one, but went back to the Early Republic, and was abiding, deep-seated, and destabilizing. He then betrays himself completely when he notes that every individual in the senate was potentially exposed to prosecution stemming from the crisis in 33, since so many had lent money at excess rates of interest. Tacitus is wrong, almost by his own admission, to criticize this law, which, incidentally, his later senatorial counterpart, Dio Cassius, views as a healthy and much needed reform, and fair to both parties (and classes, Dio 41.37–8). In this instance, what was particularly offensive to Tacitus was the fact that the *accusatores* damaged the standing and repute (*dignitatem ac famam*) of senators, a grievance reminiscent of his remarks against the *lex Papia Poppaea*. Finally, it is worth noting that this law was intended to check social discord, a real evil, as Tacitus himself admits, and that the senate itself was culpable in sowing the seeds for potential conflict. Moreover, inasmuch as the accommodation reached under Tiberius appears to have fallen into abeyance soon afterwards, this may have been a matter of continued concern under the Early Principate, and possibly one with which Tacitus had had experience. It was Hadrian, after all, who had ordered a very public burning of promissory notes in Trajan's Forum (*HA Hadr.* 7.6).¹³⁴

Laws concerning inheritance were apparently another area that *delatores* targeted with particular relish, although something of this is already apparent under the Republic. The *quadruplator* is first mentioned as going after the goods of others (in general) in Plautus' *Persa* (62–74). It is there that the parasite Saturio tells the audience he loves a free meal, but also issues the caveat that he stops short of coveting others' property, saying that he is not a *quadruplator*.¹³⁵

Nor do I want to be a *quadruplator*, nor in fact is it fitting
 To go snatch away another's goods with no danger to myself,
 Nor do those who do so please me. Do I make myself clear?
 For whoever does this for the sake of the state
 More than for his own profit, one may be led to believe
 That he is a good and loyal citizen.
 But I'm letting you know that I want a law put on the books
 That if anyone condemns a law-breaker, that he should give half
 To the public purse; and that there even be an addendum to the law:
 When a *quadruplator* has summoned anyone to court,
 Let the accused take the *quadruplator* to court for just as much,
 So that they go before the judicial panel on equal terms:

If this should happen, I would have seen to it that such men never
 appear,
 Who here assail the property of others with a white net.
 (Pers. 62–74)

Scholars argue that Plautus is here depicting a Greek, not Roman phenomenon, and that the phrase “to go snatch away another’s goods” (*ire aliena ereptum bona*) would make no sense in a Roman context in Plautus’ day.¹³⁶ We must look a century ahead to understand the remark. In Cicero’s day we clearly see that the *quadruplator* was associated with the contesting of wills. Unfortunately, the only text we definitely have which shows a *quadruplator* in action is Cicero’s Verrine orations, where Verres’ *quadruplator*, Naevius, makes a false claim on behalf of the temple of Venus Erycina for an inheritance belonging to another (Ver. 2.22).¹³⁷ As already noted (see above, p. 9) Cloud conjectured (1992: 185) that the type of action taken by Naevius (who was put up by Verres) could have been based on an action in which a disgruntled party, cheated of a legacy he felt to be his due, would bring suit against a legatee with an eye for profit; this, Cloud rightly asserts, would make sense out of Plautus’ *ire aliena ereptum bona*. Moreover, Plautus’ remark and Naevius’ action both, must be only the tip of a much larger iceberg, since inheritance laws would surely affect a much larger share of the population than those covering, for example, *repetundae*, which were directed *de facto* at the upper classes.

As was the case under the Republic, we know that in the imperial period *delatores* took advantage of laws concerning wills and inheritances, and this has already been touched upon, in part, in our discussion of the Julian laws legislating marriage and adultery.¹³⁸ *Delatores*, like *quadruplatores* before them, were notorious for contesting the legitimacy of inheritances in particular; the successful prosecutor could enrich himself, and the imperial treasury as well, since legacies deemed unlawful could result in the confiscation of the entire inheritance by the imperial *fiscus*, with a share going to the accuser.¹³⁹ *Bona caduca* (estates passing to no heir) could enrich both the prosecutor and the state – if the prosecutor could prove an estate intestate.¹⁴⁰ Here again, however, as is the case concerning the workings of *delatores* under other legislation, we are left only in the murky realm of vague assertions, since no specific cases come down to us. Nonetheless, we can make some general observations. We know that prior to Claudius accusers were active in contesting those legacies which failed to mention the princeps as part heir, a practice to which Claudius put an end; Dio’s words indicate that this had been a persistent problem to which Claudius at least called a temporary halt.¹⁴¹ We hear nothing of *delatores* and their attacks against wills *per se* again until well into the Flavian period. If Suetonius’ remarks are credible, under Domitian *delatores* were a bane in this particular area, denouncing inheritances to the imperial *fiscus*, in part because the emperor was remiss in investigating their claims, and they exploited Domitian’s neglect.¹⁴² Suetonius’ assertion appears supported by Pliny’s

statement in the *Panegyricus*, where he notes the activities of *delatores* under inheritance laws: "The Voconian and Julian laws did not enrich the state and imperial treasuries as did the remarkable and unique charge of *maiestas*, when men were free of a charge under the other two" (*Pan.* 42.1).¹⁴³ Pliny could simply be downplaying *delatores*' exploitation of the *lex Voconia* here, which would have given *delatores* the opportunity to denounce those who had exceeded the limits placed on inheritance under the law (by which no legatee could receive more than the heir or heirs taken together), merely to emphasize their abuse of the *crimen maiestatis*, though how active *delatores* were against inheritances with a view to filling the imperial purse is subject to some dispute. Rogers long ago proposed that Pliny's and Tacitus' assertions about the insecurity of wills under Domitian remains essentially unsubstantiated, arguing (based on Suet. *Dom.* 9.2 and Tac. *Agr.* 43.4) that Pliny's and Tacitus' claim that Domitian was particularly covetous of inheritances cannot be supported; Domitian, like Augustus, was concerned that he be mentioned in his friends' wills, and only be left an inheritance if the decedent were childless.¹⁴⁴ Wallace-Hadrill's observation (1981: 67–8), that for Romans "the will expressed one's patterns of obligations," would appear to support Rogers' claim; for the emperors it was not a matter of money, but of *fides*, since clients were obligated to remember their patrons in their wills, and the emperor, as patron of the political classes, would be especially deserving of such recognition. As attractive as both views are, however, it does not surmount some apparent difficulties raised by our sources. According to Suetonius, Domitian's hands-off attitude did not last, and eventually he accepted denunciations of even a single informer, if the *delator* had heard an individual express even casually the intent of leaving his estate to the princeps (Suet. *Dom.* 12.2). Moreover, Pliny refers expressly to the security of wills under Trajan (*Pan.* 43.1), and Tacitus has Maternus state in the *Dialogus* (written soon after Domitian's death) that one of the benefits of his retirement is no longer to live in fear that his will would be denounced for not including the right people as heirs (13.7), a reality which could conceivably refer to the time of Domitian, as well as Vespasian. A further, though less likely consideration, is that Pliny is referring to the denunciation of those who had not paid their 5 per cent estate tax on their inheritance; but it seems unlikely that Suetonius and Pliny would complain so vocally about a piece of legislation to which our other sources pay little heed, and Tacitus in the *Dialogus* is clearly referring to the security of a testator's estate, which such a tax would not greatly affect.¹⁴⁵ Again, however, Rogers is right to be skeptical, and it is difficult to come down on one side or the other; it is a matter of three very tendentious sources stacked up against Domitian. Our sources may be taking out on Domitian what was actually a perennial and annoying reality in Rome, the persistence of *delatores* in denouncing wills rendered invalid in one way or another. It has already been pointed out that under the *lex Papia Poppaea* *delatores* will have denounced those trying to evade the law through fictitious adoptions or suppositious births; in the last case in particular, there will have

been ample scope for the *delator* to make his claim against an heir revealed to be illegitimate. Such frauds not only will have had serious implications for the right of inheritance, since the legitimacy of the heir would be rendered null and void, but potentially for the status of the individual declared illegitimate. In addition, the possibility remains open – although we admittedly have no information on this – that *delatores*, acting as ancient revenue or tax officials, will have denounced those who had tried to evade payment of the 5 per cent tax owed on estates (*vicessima hereditatum*). Given how inefficient the *aerarium* could sometimes be in its collection of debts and the primitive methods it used to collect them (see Paetus' *vita* in Part II), it is not past thinking that some will have practiced denunciation of those who owed payment to the treasury, themselves getting a cut.

Parenthetically, inheritances of a less formal nature could also prove problematic. Pliny indicates, for example, that his friend Acilianus had added a rider to his will leaving him some property which he in turn intended to hand over to another party as a gift. Pliny had to wait, however, until he was certain that it was safe to do so lest Acilianus' will be contested and the property confiscated by the treasury.¹⁴⁶ In addition, Pliny's letter indicates that the rider was not legally binding since it was not confirmed in Acilianus' will and could consequently be subject to prosecution. The caution Pliny exercised in this case certainly indicates that *delatores* were a significant and constant concern in the civic sphere.

The possibility has been introduced above that *delatores* prosecuted tax evasion, and we do in fact have additional indication of their activity in this area, although here, as elsewhere, there is only a very narrow window through which to view their activities. In general taxation was something which took place in the provinces, and Romans themselves were exempt. The emperor Titus, however, had imposed a special tariff on the Jews of 2 drachmas a head, which allowed them, in turn, to practice their religion freely. This appears to have afforded *delatores* fodder for denunciations, particularly in Domitian's reign, under whom they made a nuisance of themselves by denouncing Jews who had attempted to evade taxation.¹⁴⁷ Up until Domitian, it was only ethnic Jews who had professed their faith who were subject to the tax; Goodman (1989: 41) notes that it was non-religious ethnic Jews who were now prosecuted as well. Consequently, at one point a nonagenarian was even compelled to expose himself in court to prove that he was not circumcised and thereby to refute the charge that he was Jewish (Suet. *Dom.* 12.2); as Goodman remarks, "he could hide all other aspects of his Jewishness, but not this." Not only did *delatores* target those who had not professed Judaism, but there appear to have been numerous innocent victims falsely accused: as Williams has pointed out, the coin issue under Nerva with the stamp *FISCI IUDAICI CALUMNIA SUBLATA* indicates that *delatores* abused this law with particular relish, and Nerva stepped in to call a halt.¹⁴⁸ It is worth noting, too, that the legend on Nerva's coin issue in no way implies that the tax, ergo the need for accusers to

prosecute violators, was abolished, merely that its abuse was checked. Noteworthy, too, is the apparent lack of concern Suetonius has for the imposition the law posed for Jews; what vexes him is the danger for non-Jewish citizens of legal standing.

Conclusion

It would be wrong to deny that the *delatores* and *accusatores* who exploited “non-political” offenses were always the *custodes legis* (guardians of the law), and the opportunity to take advantage of certain legislation under the Principate will no doubt have been tempting. But their activities cannot be fully appreciated unless we set them in their larger social and historical context. There is no gainsaying that the social legislation passed by Augustus could prove intrusive and menacing for some. At the same time, the highly moralistic nature of Roman politics did not suddenly appear with Augustus; it was, on a certain level, a natural outgrowth of the concern Romans had over morality both within the family and in the political sphere in all periods, as is illustrated, for example, by the censorship. Clearly there had always been a tendency for the Roman government to interfere in the private lives of its citizens; *delatores* were merely able to exploit the further legal codification of such intrusions.

As for *repetundae*, we may fairly state that, despite Tacitus’ portrayal of the likes of Ancharius Priscus or Junius Otho, the record points to better governance of the provinces, a welcome change, even according to Tacitus, from the Republic. Only the weakest case can be built against those who prosecuted for this offense, and it is worth noting that, aside from perhaps winning over more clients from a particular province, the rewards for prosecution *de repetundis* were dubious at best.¹⁴⁹ In all periods of the Roman state, even during the Republic, there was a need for prosecutors to check corrupt officials in general.¹⁵⁰ In how wide a field *delatores* were allowed to range in the provinces, on the other hand, appears to have depended on the character of the governor, just as how wide a scope those in Rome were given depended on the character of the princeps. And, while we are pathetically short of specific cases, it is a fair assumption that the example of Verres and his agent Naevius gives us only the most tantalizing glimpse of what surely was a much more common activity, under both the Republic and the Empire.

Concerns of a social nature also will have underpinned the activities of *delatores* in the area of usury; the accusations Tacitus deploras were not without merit, and were merely the result of one of many attempts throughout Rome’s long history with this problem to prevent the discord between the classes which the extension of credit and incurring of debts could potentially create. As concerns wills, Rome was never wanting for characters, whether Plautus’ anonymous *quadruplator* or the fictitious *delator* lying in wait for Acilianus’ legacy, to contest them; it would be wrong, however, not to note that the *lex*

Papia Poppaea certainly gave the *delator* a new area in which to contest inheritances.

So what had changed? There is no doubt that new legislation enabled the growth of delation and Tacitus' observation that the greatest number of laws are in the most corrupt state (*Ann.* 3.27.5) is not without merit. But the underlying dynamics of such legislation – the moralistic element ingrained in Roman society, already underscored by such institutions as the censorship, the urgent need, with the growth of the empire, to check corrupt administrators, the need for social order and control in a socially disparate society – all fueled the activity of *delatores*. Tacitus, lament the profusion of laws under the Principate though he might, himself admitted that the constant legislation (*leges asiduæ*) of the Republic was no better (*Tac. Dial.* 36.3). And, while certain laws such as the *lex Papia Poppaea* did indeed constitute a new level of intrusion, we may ask to what extent those areas contributed, in any sense, to the political tyranny of the Early Empire. Accusing a governor for maladministration scarcely constitutes repression, far from it. Nor did the death of Domitian create a precise line at which the *delator* ceased to operate under such laws; during the reigns of Nerva and Trajan prosecutions for *repetundæ* or violations of the *lex Papia Poppaea* continued. Ultimately, such laws do not represent gross or egregious encroachments on political freedom; they do, however, encroach on senatorial privilege and property rights. It is perhaps a universal constant that privilege, and the money which buys and maintains it, is as jealously guarded as, if not more so than, much cherished but too little practiced notions of political liberty and human rights. The *delatores* could sometimes breach the wall and assault the senatorial bastion, committing the offense of justice.

SENATORIAL OPPOSITION AND RESISTANCE I

Tiberius to Claudius

With the conflict inflamed, the day was consumed in discord, the many and the good on one side, the few and the powerful on the other, both contending with deep-seated hatreds.

(Tacitus, *Historiae* 4.43.2)

The subject of opposition and resistance within the senate in the Early Principate is one which has only received piecemeal treatment, usually in imperial biographies, such as those by Barrett (1989; 1996), Jones (1984a; 1992), and Levick (1976a; 1990; 1999). The purpose of the following chapters (4 through 7), is to examine the various forms of opposition and resistance the emperor faced, and the *delator*'s role in meeting the threats and the difficulties such opposition posed through an examination of individual prosecutions. An investigation of this sort is not without its problems. First and foremost, we need to define what we mean by opposition, and what shape such opposition could take. As Raaflaub (1987: 1–3) has noted in his study on the intent of opposition in the Early Principate, the Latin vocabulary has no word which is equivalent to our word for “opposition” or “opponent”; it included, rather, several types of behavior which were at times readily recognizable to a Roman, and which assumed various forms. Such behavior could range from the lone individual prosecuted for desertion of public office or for consulting astrologers, to those factions within the senate which, through a nexus of familial ties, potentially provocative behavior, personal enmity, political ideologies, or any combination of these, posed a threat to the stability and security of the regime.¹ Factionalism however, such as it was, was something which appears to have developed only after the reigns of Tiberius and Gaius, when family enmities and loyalties against the emperors began to take a recognizable shape and solidify.² As it developed, such factionalism will have been entirely recognizable, on a certain level, to an imperial senator's republican forebears, but it would be erroneous to think that the same dynamics were at work for a prosecutor under the Principate as during the Republic, or that factionalism, as it had existed in the Republic, took the same form under the Empire.³ Men who wanted to climb the

political ladder set their sights on the princeps, or those close to him, clustering around those, such as Sejanus, who controlled access to office, or around members of the imperial family, who, they believed, had a solid claim on succession. The Principate had introduced a major paradigm shift, representing the victory of a faction that numerous senators clamored to support and protect against opponents who challenged it.⁴ Driving the ambitious senator was the ancient desire for *dignitas*, *fama*, and *auctoritas*, though he could not exceed the princeps in any of these. He could, however, outshine his fellow senators as much as his abilities would permit. We would be wrong to see *delatores* as driven only by a systemic sea change; instead ancient dynamics accommodated themselves to a new political reality. These dynamics, set in their changed political context, tended to work in the princeps' favor. There was now only one "party," that of the princeps, arrayed against lone individuals or small groups that were perceived to work contrary to imperial interests. We have divided these groups into three distinct categories to be dealt with individually in the following four chapters.

First, in the present and following chapter, we look at opposition in the senate which posed a potential but not immediate threat to the life of the princeps and the stability of his position. Included in this category are those prosecuted for such charges as libel, magic practices and astrological consultations, *maiestas*, and conceivably seditious behavior which does not appear, at any rate, to have presented an imminent danger to the princeps' life. (It should be remarked, however, that the level of danger such instances of opposition did pose is very much subject to dispute.) Second (Chapter 6), we look at the role the *delator* played in the factional struggles which sometimes tore at the fabric of the imperial house, and which constituted an "internal" opposition, as it were, in which senators played only a peripheral or tangential part. Finally, the third category we will examine (in Chapter 7), is the place the *delator* had in uncovering and prosecuting immediate threats to the princeps' life, ergo to the security and stability of the state. The use of such broad categories for discussion is motivated, in no small part, by the presentation of our sources, which are often too general and too vague in their presentation to allow us to ascertain the more precise nature of the charges prosecuted. Indeed, even using this rather generalized organization does not always help us to avoid occasional overlaps in our categories: for example, the case of Visellius Varro against C. Silius is one which has long been associated in the minds of scholars with Sejanus' persecution of Agrippina the Elder, her friends and family. A closer examination of the case, however, makes it difficult to conclude one way or the other whether the prosecution directed against Silius was associated with Sejanus' alleged attempt to put her out of the way. There were, in fact, very personal motives for Varro's attack. While the case is discussed in Chapter 6 on the *delator* and the imperial house, it could, arguably, be discussed in the present chapter as well.

Readers should also note that the discussion in the present chapter has been structured chronologically, not according to different types of opposition. The reason for this again lies within the often vague and elliptical nature of our sources, which make the offense often difficult to retrieve. One charge may be emphasized by a particular source when in fact there were other, more serious charges lurking in the background. To categorize, for example, Herennius Senecio's or Arulenus Rusticus' "opposition" to Domitian as "intellectual" when there were conceivably other reasons for their being prosecuted is an oversimplification of the political and social issues at work in the case. In addition, many cases, inasmuch as they are tried under several charges (such as the case of Aemilia Lepida) defy categorization under any one specific genus.⁵

Before turning to our discussion in earnest, some background is necessary concerning the *lex maiestatis*, since it is this law in particular under which politically charged prosecutions were allegedly pursued with such great relish in the Early Principate. It is not our intent here to discuss the *lex maiestatis* in its various forms or its development in the course of the Early Principate, something which is highly controversial and constitutes an entirely separate field of study in itself. It was, however, to become an important arrow in the *delator's* quiver according to our sources, and a summary will be useful before beginning our discussion. The *lex maiestatis* was first passed in 103 or 100 BC (the *lex Appuleia de maiestate*), and was apparently intended to punish the incompetence of military commanders; the law established a separate court to deal with the charge (a *quaestio maiestatis*).⁶ The next *lex maiestatis* passed was the *lex Cornelia de maiestate*, under Sulla; it rendered treasonable certain actions by provincial governors such as making war on an allied kingdom without the senate's permission.⁷ The *lex Julia de maiestate* followed; established by Caesar, it was either replaced or amended by another *lex Julia* under Augustus.⁸ Caesar's law stipulated that those were guilty of *maiestas* who attacked with intent to harm or kill any magistrate invested with *imperium*; interdiction from fire and water appears to have been the penalty (which possibly included confiscation as well), though it was tantamount to execution, since it forced senators into exile.⁹ Augustus appears to have extended Caesar's law to include libel, something our sources view as a particularly pernicious development.¹⁰ Throughout the Principate the definition of *maiestas minuta principis* (the diminished "majesty" of the emperor) grew, and came to include not just charges of libel, but of adultery, *repetundae*, and *secessio* (retirement from the senate or refusal to hold office) as well; in addition, over time, it was a matter of actions or words directed against not only the princeps, but his family, associates, and magistrates, which were supposedly subject to prosecution.¹¹ Part of the intent of the *lex Julia de maiestate* was to put a check on those with material wealth or excessive political power; the wording of it was vague, and could arguably apply to any number of cases examined in the following chapters (Paul. Sent. 5.29.2): "It is fitting that it first be inquired into against a defendant for treason by what resources (*opibus*), with what faction (*factione*), with what

supporters (*auctoribus*) he shall have committed the offense." The wording of the law under the Republic was equally elastic, aimed at anyone who diminished the majesty, dignity or greatness of the Roman people, and spurred much debate even amongst contemporaries concerning its interpretation along with cries of foul for its broad application.¹² Levick perceptively points out that even Cicero complained of the vague wording of the *lex Cornelia* and "evidently regards it as unsporting to accuse a man of *maiestas* because it is unclear what constitutes the offense."¹³ The danger is immediately apparent: the nature of the law was flexible, and left certain actions open to the charge. Penalties could also be quite harsh under the law, entailing not only banishment and confiscation, but death as well. Yet if the law could at times be harsh, it was not always enforced, and could go into abeyance for long periods, hence no *maiestas* trial between AD 41 and 62, or between, as far as we know, 69 and (possibly) 87 or even 93.¹⁴ It has been asked, however, whether the law was ever entirely dropped, even by the likes of Trajan; as Seager (1972: 162) has noted, such a move would invite conspiracy and treachery directed against the princeps.

An accusation of *maiestas* brought with it certain difficulties, as well as certain advantages. It has been questioned how much benefit a *delator* gained prosecuting under the *lex maiestatis*. The charge, on the one hand, could discourage one from coming to the defendant's assistance (as was the case with Silanus in 22), and entail serious consequences for the defense advocate.¹⁵ In addition, the *delator* obtained the right to interrogate the defendant's slaves and to use evidence extracted under torture, something which, as Bauman notes, surely made it all the more likely that some crime would come to light.¹⁶ Once slaves were on the rack, there was no telling what they might divulge.¹⁷ Bauman (1974: 54) has argued, however, that the accuser who tried to proceed in his case by the *lex maiestatis* was not taking a shortcut to success, but took on an added burden since he had to prove the alleged act diminished the *maiestas* of the Roman people; this increased his chance of a failed prosecution and a charge of *calumnia*. Levick (1976a: 185), on the other hand, argues that appending a *maiestas* charge on to others (such as *repetundae*) acted, in fact, as a type of insurance, since a charge with a chance for acquittal was more likely to be considered more grave once *maiestas* was appended to it, because it went to the heart of the princeps' interest. Others have argued that *maiestas* charges increased due to the restrictions Tiberius put on the activities of *delatores* under the *lex Papia Poppaea*, which forced them to turn their attention elsewhere, making *maiestas* more attractive, although, as Bauman points out, *delatores* were still active under the *lex Papia Poppaea* concomitantly with *maiestas*.¹⁸ All of this, however, has perhaps been made too much of by scholars; Walker was right to note that the treason cases might not have been all that numerous, and at any rate, murder, *repetundae*, magic practices, astrological consultations, or conspiracy, all could entail equally harsh penalties.¹⁹ And here a note of caution concerning charges of magic and astrological consultations (often wedded to a conspiracy charge) is necessary. Barb has pointed out (1963: 104–6)

that magic, even of an innocuous nature, was viewed with grave suspicion at all times from the Republic through the Late Empire, and even the wearing of an amulet or the consultation of an *haruspex* could result in the harshest penalty. It is important, then, that we be sensitive to Roman views on this matter; even sophisticated Romans such as Tacitus believed very much in the power of the magic arts. We must therefore be cautious in viewing magic charges as simply a “trumped up” pretext for prosecution.

Tiberius

Augustus had found informants and prosecutors useful during the early stages of his career in the course of the proscriptions, though once his regime was established and opposition either crushed or rendered complaisant (Tac. *Ann.* 1.2.1), political adversaries within the senate appear to have abated substantially. This changed in his later years, when a series of crises came together resulting in Augustus’ increasingly harsh stance towards freedom of expression. Unfortunately, we have little information concerning the role of specific *delatores* in this area.²⁰ There were cases of *maiestas*, to be sure, but they are few and not well attested. Whether Cornelius Gallus was tried under the charge in 27 or 26 is subject to dispute (as are many other details of this problematic case, see above, pp. 66–7). About AD 13 L. Valerius Messalla Volesus, proconsul of Asia in AD 11/12 may have been tried on a charge of *maiestas* (the *delator* is unknown) for his cruelty (*saevitia*) as proconsul.²¹ Several years earlier (between AD 6 and 8) Cassius Severus was supposedly tried for *maiestas* (Tac. *Ann.* 1.72.3–4) for the defamation of distinguished men and women (*viros feminasque illustres*); though the details of this case remain highly controversial and the name of the *delator* is utterly lost, it is worth noting that there is no mention in Tacitus that Augustus or his family were the objects of Cassius’ attack.²² While Tacitus says that Cassius Severus was the first victim under the Principate of the new and harsher application of *maiestas*, the case of T. Labienus, who was also tried under the *maiestas* law for his writings, actually preceded Cassius’; Labienus was condemned, and his works publicly burned.²³ Cassius himself could in fact have been Labienus’ prosecutor, for he was an enemy of Labienus’ who took to abusing him after his suicide. How much Augustus had to do with Labienus’ fall is moot. Seneca says that Labienus’ enemies moved against him and pushed through a senatorial decree, and Augustus conceivably had little or nothing to do with Labienus’ fall.²⁴ Outside of these small instances, however, we can only conjecture that for most of Augustus’ reign, until the end, *delatores* will have had little opportunity to try their hand at denouncing senatorial opposition, even of an “intellectual” nature; it was only late in his reign (under the year AD 12), that Dio indicates that he enjoined a “search and destroy” mission upon the aediles when he learned that scurrilous pamphlets were being written against certain individuals, and ordered such pamphlets burned and the authors punished.²⁵ The dearth of known *delatores* for most of Augustus’ reign is to be

attributed in part to a lack of any historical source relating details about criminal trials under him; had we a Tacitean account of Augustus' reign, no doubt the situation would be very different. As it stands, only a very few names come down to us associated with *delatio*, and of these only one, Valerius Largus, can be securely connected with any prosecution, that of Cornelius Gallus.

For better or worse, Tiberius' reign, thanks to Tacitus, is documented in much greater detail. The perception we gain from Tacitus is that *delatio* increased under Tiberius, and that this was attributable to several factors. First, there was either the desire on the part of Tiberius to grant the senate greater autonomy or a lack of willingness on his part to interfere in its affairs. This put the senate in a different (and more difficult) position than it had been under the paternalistic Augustus, who carefully monitored the senate's activity. Second, Tiberius' character was, by Tacitus' account, inscrutable; his desires and intentions were hard to read and this led the senate occasionally to second guess him, with sometimes infelicitous results, as in the case of Clutorius Priscus in 21 (see below, pp. 92–3). Third, there was the senate's servility, something to which Tacitus gives particular attention: Tiberius frequently made it quite clear to the senate, for example, that alleged slights against the divinity of the emperor, or that words, spoken or written, were not adequate grounds for prosecution. Despite his rejection of such charges, *delatores* continually pushed in that direction. Finally, in the later half of his reign, beginning around 25, Tiberius is depicted as increasingly isolated. The government was, in no small part, in the hands of his praetorian praefect, L. Aelius Sejanus, and Tiberius had retired to Capri by 26. This allowed Sejanus and his partisans a relatively free hand for six years, and after Sejanus' fall in 31 Tiberius, although he intervened occasionally, was content to let the partisanship in the senate work itself out. Thus Tacitus. On closer scrutiny, however, we see a mixed bag. There can be no doubt that in some instances Tiberius' "hands-off" attitude and his peculiar personality led to an increase in questionable judicial activity, as the *delatores*' attempts to criminalize certain types of behavior (such as the sale or removal of imperial statues) shows, although in such instances they were largely unsuccessful, and those cases in which they did succeed were not always without legal precedent. Finally, despite Tiberius' isolation, even in the later part of his reign, he sees fit to intervene personally to call a halt to blatantly partisan prosecutions after Sejanus' ruin.

The history of *delatores* (the "Founding Father" as it were) begins in 15 with Caepio Crispinus, who brought up charges of provincial maladministration and *maiestas* against Granius Marcellus in the senate (Tac. *Ann.* 1.74). The case was disturbing for two reasons: first, because Crispinus had been Marcellus' quaestor when he was governor of Bithynia, and second, the charge of *maiestas* (specifically, "unfavorable conversations concerning Tiberius," *sinistros de Tiberio sermones*) was an inescapable (*inevitabile*) one because, in this instance, it was based (according to Tacitus) on the princeps' vices.²⁶ Romanus Hispo acted as *subscriptor*, and tried to press the charge that Marcellus had placed his own

statue higher than those of the Caesars, and that he had removed from one the head of Augustus and replaced it with Tiberius'. The charge led nowhere. The attempt by the *delatores* to have charges accepted in the senate which Tiberius viewed as trivial had the end result of only provoking Tiberius' anger, compelling him to remark that he would vote openly in the case. He quickly regretted his remark, however, after Piso inquired whether he would vote first, so that the senate could follow his lead, or vote last, fearing lest senators inadvertently dissent from his example.²⁷ Tiberius was embarrassed, and the case concluded with the senate acquitting Marcellus of *maiestas* and sending the case of *repetundae* to the judicial board (*recipitatores*), which was still used occasionally for hearing such cases. Tacitus sees this as the beginning of an evil that was to endure throughout the Early Principate, but its beginning, it is worth noting, was inauspicious, with the charges referred to a lower court, or dismissed altogether.

The scene was reminiscent of two other prosecutions earlier that same year, in which the *delatores* are unknown to us. In the first instance the *accusator* charged Falanius, an equestrian, probably with *impietas* (impiety); his offense was admitting an actor (a certain Cassius) among worshippers of the divine Augustus and selling a statue of Augustus along with his gardens. Rubrius, another equestrian charged at the same time as Falanius, was accused of perjury by Augustus' godhead.²⁸ Tacitus says that the accusations against Falanius and Rubrius were the first intimations of an evil destined to engulf Roman political life, and makes a similar assertion about the *delator* Caepio in the case of Granius (Tac. Ann. 1.74.1).²⁹ Yet Tiberius dismissed both accusations (nor is it certain whether they even came to trial) with a sententious reply: "The injuries of the gods are the gods' concern."

In the decade that intervened between 15 and 25, there is no clearly detectable instance of anyone being tried for any type of individual opposition, with the exception of Clutorius Priscus. Several cases of opposition outside the senate did indeed intervene, as did suspected conspiracies (see Chapter 7, pp. 158–62), and some notorious cases directed against the supporters of Agrippina the Elder, widow (after 19) of Tiberius' nephew Germanicus and, as the granddaughter of Augustus, Tiberius' potential rival (see Chapter 6, pp. 140–2). There are, however, two trials against women that the senate did take up because of their high birth. In 17 a *delator* attempted to charge Appuleia Varilla with *impietas* against Augustus, Tiberius, and Livia, under the *lex maiestatis*; the *delator* was unsuccessful, but she was convicted of adultery.³⁰ Tacitus uses the case to illustrate the ripening of the *lex maiestatis*, but again, his rhetoric clearly is at odds with the results of the case, since Tiberius refused to have Appuleia tried for a treason charge, and actually remitted Appuleia to her family's judgment. Several years later, in 20, P. Quirinius, Aemilia Lepida's former husband, acted as *accusator* against her. The charges were supposition (see above, p. 59), adultery, poisoning, and consultation of astrologers against the imperial house; her brother M'. Aemilius Lepidus defended her.³¹ Tacitus says

she was both disreputable and guilty from the start, but makes no secret of his distaste for Quirinius (*Ann.* 3.22.3). It could not have helped Quirinius that he appended a *maiestas* charge; we do not know whether Tiberius admitted the charge, but it seems likely.³² In the midst of the trial, the *ludi Magni* intervened, and Lepida took advantage of the games to elicit popular support by appealing to her ancestors' statues in the Theater of Pompey and to her familial connections with Augustus – something which will have given further credence to the charges against her as one already suspected of astrological consultations against the imperial house.³³ In addition, Lepida whipped up sentiment against Quirinius and disparaged his background as obscure and childless in comparison to herself, once betrothed to L. Caesar, destined to be the daughter-in-law of the divine Augustus. Eventually the torture of her slaves revealed her crime, and she was interdicted from fire and water.³⁴ Tiberius subsequently revealed that Lepida had tried to poison Quirinius. Our knowledge of this case renders it difficult to assess. Woodman and Martin, rightly I believe, argue that the case of poisoning is likely associated with the case of supposition. They point out that Lepida will have wanted to attribute the paternity of her illegitimate child to Quirinius, with a view to gaining the money a legitimate child of Quirinius' will have been due to inherit.³⁵ The adultery charge could have been added to support the charge of *suppositio*; that she was almost certainly guilty of it and that this was general knowledge may be indicated by the mob's reference to Quirinius' childlessness in Pompey's theater.³⁶ It is unlikely, however, that any of these charges will have constituted *maiestas*: the charge that she had consulted astrologers against the imperial house will have been the main one if a *maiestas* charge was accepted, and there are indications to believe that it was accepted as such, including the torture of her slaves, the penalty of interdiction from fire and water, and the confiscation of her goods.³⁷ In light of Libo's condemnation in 16 (see below, pp. 158–61), and the extraordinary expulsion of astrologers which followed, as well as Lepida's very public reminder of her own proximity to the imperial family, we should not be surprised if the princeps was sensitive to Quirinius' charge of astrology.³⁸ The case is one in which both personal grievances (on the part of Quirinius) could be redressed and a potential threat to the dynasty removed at the same time.

In the next year, 21, there may have been a related prosecution, the notorious case of Clutorius Priscus, a noted poet of equestrian rank denounced by an anonymous *delator* for writing a poem during an illness of Tiberius' son, Drusus, in the hopes that, were Drusus to die, he would reap a greater profit.³⁹ The *delator* was able to follow an easy trail: Clutorius had given a public reading of the poem at P. Petronius' house before his mother-in-law Vitellia and other distinguished women. The *delator*, who had either attended the reading himself, or had heard or seen the poem, intimidated those present at the performance (except Vitellia) into testifying against Clutorius at his trial before the senate.⁴⁰ What the charge was is uncertain. At trial's end, Haterius Agrippa, the consul designate, proposed a death sentence, though M'. Lepidus spoke against his

proposal; the senate rejected Lepidus' arguments and had Clutorius executed (Tac. Ann. 3.49.4–51.1).⁴¹ Tiberius rebuked the haste shown in carrying out so harsh a penalty, and the senate, taking the hint, passed a *senatus consultum* (senatorial decree) that henceforth there be a ten-day delay between senatorial decrees and their effect (Tac. Ann. 3.51.2–3; cf. Dio 57.20.4). For Shotter (1969: 17), the case is highlighted to show the fear and panic that a *delator* could instill in society, and what happened if the princeps did not step in to restrain it. The difficulty with such a view is that there are few substantive cases of *delatio* prior to this one; Tiberius had exercised meticulous oversight thus far, and when complaints arose concerning the activities of *delatores* in 20, he set up a commission to deal with the situation (see above, p. 58). The *delator*, in fact, may have had some good reasons for prosecuting Priscus in light of the case against Libo and Aemilia: as Bauman points out, Clutorius' offense was to write a poem predicting Drusus' demise, and as such could have fallen under the rubric of magic or astrology – a charge with precedent under the Republic.⁴² In addition, the charge might have come under the *lex Cornelia de sicariis et veneficis* (the Cornelian law concerning murder and poisoning) entailing a harsher penalty; there is no evidence, however, as Levick notes, for treating the case as *maiestas*.⁴³ Tiberius could not interfere in the conduct of this case due to his absence from the city at the time the case was heard, and if, as Rogers (1932: 78–9) has suggested, Drusus was presiding in his stead, a harsh verdict may have been inevitable. As Levick has pointed out, the *delator* in this case highlighted the conflict between senatorial autonomy and imperial oversight; Tiberius reproached the senate with harsh enforcement of the law, though on his behalf, and this conflicted with senatorial independence to prosecute the law as it wished.⁴⁴ We ought not to blame the *delator* for the senate's action, which was ultimately at its own discretion. If we accept that the charge was one related to magic practices, as Bauman has argued, then we also cannot blame the *delator* for bringing up a charge which had a proven track record already under Tiberius.

In 22 there was yet another unsuccessful attempt by an anonymous *delator* to press the *maiestas* law into service, and it once again raised the issue of senatorial autonomy: a Roman equestrian, L. Ennius, was accused of *maiestas* for melting an image of the princeps for money. Tiberius rejected the charge, and Ateius Capito reproached Tiberius for not allowing the senate the freedom to make its own decision whether to accept the charge or not (Tac. Ann. 3.70.2–3). The senate's right of deciding on its own, argued Capito, should not be taken away, and so great a crime must not go unpunished. Tiberius abided by his position, however, and Capito's argument was specious and servile, given the unwillingness of Tiberius, up to that point, to accept such charges.⁴⁵ In the previous year, 21, an attempt by *delatores* to force a *maiestas* prosecution had also met with no more success when Considius Aequus and Caelius Cursor, two equestrians, attempted to prosecute Magius Caecilianus for *maiestas*.⁴⁶ The case falls in between that of C. Cestius against Annia Rufilla and Ancharius Priscus

against Caesius Cordus. Tacitus groups these prosecutions together to drive home Tiberius' unrelenting tyranny, even though all the cases had sound merits. The motives of the *delatores* and the specific charges against Caecilianus are lost, but they were clearly false (*fictis maiestatis criminibus*), and the *delatores* were checked. The entire effect of the presentation on Tacitus' readers is to leave the impression that the *delatores* were imperial agents working on behalf of Tiberius, but, aside from the fact that there is no evidence for them as such, Tacitus also states that both Considius and Caelius were charged with *calumnia*.

It could have been in response to the case of Clutorius that Dio states that Tiberius, starting in the early 20s, began to bring many up on charges of *maiestas* based simply on utterances against him, and that punishments for this offense grew more severe. Yet he cites only one case, that of Aelius Saturninus in 23, charged with reciting improper verses for which he was hurled from the Tarpeian Rock (57.22.5–23.3); nothing is known concerning the *delator* and Tacitus makes no mention of the case. As for the harsh punishment visited on Saturninus, we have too little information concerning his status; if he was of lower status (i.e. an *humilior*), then his harsh punishment will have made sense; moreover, if the improper verses were in any way connected with magic or astrology, especially given the ban imposed in 16 and the recent case of Priscus, then the harsh penalty imposed will have made perfect sense. As it stands, we do not have enough evidence for anything other than conjecture in the context of the other cases conducted up to this point.⁴⁷ Yet if Dio can cite a case in which the penalty seems particularly vindictive, Tacitus can cite one in which Tiberius' leniency is illustrated: hence the brother of C. Cominius, an equestrian convicted of writing an abusive poem (*probrosum carmen*) against the emperor in 24, appears to have been acquitted through the intercession of his brother (Tac. Ann. 4.31.1).⁴⁸ This case is followed by two other cases that same year which result in P. Suillius' conviction for judicial corruption and Firmius Catus' for *calumnia* after he had entered a false charge of *maiestas* against his own sister (Tac. Ann. 4.31.5–8). Admittedly Tacitus is able to cite two other "notorious" cases of delation in 24, the case of C. Silius, who was patently guilty (see below, pp. 141–2), and the case of Vibius Serenus the Elder, who may have been guilty of conspiracy (see below, pp. 161–2). All these cases, however, by any standard, illustrate Tiberius' moderation and justice in his oversight of the law, yet Tacitus interjects an incongruous editorial comment between the cases of Cominius and Suillius, and takes the opportunity to lament the monotony and *inglorius labor* of his subject.⁴⁹ But up to this point, at least in terms of prosecuting individual opponents from the senate (and even some outside the senatorial order), *delatores*, despite their best efforts, had come up empty-handed; those who had involved themselves in disputes within the imperial house and uncovered conspiracies had found greener pastures. Tacitus then relates the prosecution against Cremutius Cordus and directly afterwards Calpurnius Salvianus' attempt to indict Sextus Marius for an unspecified charge during the Latin festival in 25; the charge was rejected and Salvianus exiled. Vibius Serenus the Younger's

unsuccessful accusation against Fonteius Capito soon follows.⁵⁰ Tacitus explicitly steers his readers towards a negative interpretation:

But so continuous was the year with defendants being accused that during the Latin festival, Calpurnius Salvianus tried to present an accusation against Sextus Marius to Drusus, then city praefect, when he had approached the tribunal to take the auspices.

(Ann. 4.36.1)

The year 25, however, does appear to show a change in imperial policy, and Tiberius seems now to have become more willing to entertain interpretations of individual behavior as opposition whose challenge had to be met. Part of the reason for this, no doubt, is the increasing power of his praetorian praefect, L. Aelius Sejanus. His rise to power in the mid-20s led ambitious members of the senate seeking access to higher office or those interested in closer alliance with the princeps to pay him court; he and his followers did not constitute anything like a “faction” – for their faction was that of the princeps as well. It was only with his fall in 31 – and a possible attempt to grab power – that those who had allied themselves with him suffered, giving the impression that a “party of Sejanus” had existed.⁵¹ Prior to 25 there had been, it is true, rivalries in the imperial household in which Sejanus might have already been involved, such as C. Silius’ prosecution in 24, though this is uncertain (see below, pp. 141–2), and in fact, most of the *delationes* known to us from this period involve not senatorial opposition so much as senators involved in the domestic politics of the imperial house. It is not possible, in fact, to detect Sejanus’ involvement in any prosecutions with any certitude until 25, when two *delatores*, Pinarius Natta (like Sejanus, a *municipalis*) and Satrius Secundus (a man who was to become one of Sejanus’ closest allies), moved to attack Cremutius Cordus, a noted senatorial historian.⁵² Tacitus does not specify the charge against Cremutius (it could have been *maiestas* or *impietas*), but merely states that he had praised Brutus and Cassius as the last of the Romans in his *annales*; for this he was denounced to the authorities even though his history appears to have been published initially under Augustus and been tolerated.⁵³ Cremutius delivered a defense to the senate, a version of which we have in Tacitus, then went home and opened his veins; the senate ordered the aediles to burn his works. But the *delatores* complained to the consul, since Cremutius’ suicide prior to sentence meant that they lost their right to a reward. Now Tiberius had consistently interceded for clemency up to this point and urged the senate to leniency in similar cases. Even when Appuleia Varilla had been accused of speaking against the divine Augustus, as well as Livia and Tiberius himself, he had dismissed the charges. How do we explain this abrupt shift in policy? The most generally accepted explanation for the case is that Sejanus had a personal grudge against Cremutius and that he chose to take it out in the courts by trumping up charges, one of which was against his history; Sejanus never had

the opportunity to introduce the other charges because Cremutius committed suicide.⁵⁴ There can be little doubt that there were motives of personal enmity behind Sejanus' suborning of Satrius and Pinarius, the history acting as a mere pretext. In the past Cremutius had had words with Sejanus, and insulted him when his image was erected in Pompey's theater.⁵⁵ One cannot satisfy personal enmity in the courts, however, without a legal mechanism. Hennig (1975: 55–63) has noted, rightly, that Tacitus' presentation of the case unfortunately does not allow us to make a definite conclusion concerning what this mechanism might have been. Bauman (1974: 101–2) has suggested that through a series of legal maneuverings Satrius and Pinarius working with Sejanus read his history as an attack against *Divus Augustus*. This is not the only scenario. Levick has proposed that Cremutius' work contained hostile political implications, and that this was the mainstay of the charge.⁵⁶ There can be no doubt that Cremutius was hostile to the court. By using Livy's own sympathies as comparanda ("Livy celebrated Cn. Pompeius with such great praises that Augustus called him a 'Pompeian'," Tac. Ann. 4.34.4), he betrays his own dissident opinion. But why were other such dissident views, such as Appuleia's, ignored while Cremutius' was prosecuted? The answer could rest, in part, on the genre in which Cremutius worked. This is no lampooning of imperial vices; this is history, a politically charged type of literature that was hazardous to write from the advent of Augustus on.⁵⁷ At one point in his speech to the senate (as Tacitus relates it), Cremutius poses the question, "Do I incite the people for the sake of civil war with Brutus and Cassius armed and holding the field at Philippi?" The rhetorical question may have been designed to address a charge of sedition, possibly aimed at one of the speeches in his history. Neither history nor oratory were politically neutral; T. Labienus had already been prosecuted for his harsh brand of oratory which attacked men of all ranks.⁵⁸ We may, tentatively, offer an additional (though by no means exclusive) reason for Cremutius' prosecution: the public display of the *images* of Brutus and Cassius had been banned by Augustus (Tac. Ann. 3.76.5). Now the notion of history as an *imago* designed to exhort the reader or audience to emulate the deeds of great men was a commonplace among Roman historians.⁵⁹ Cremutius, if he had given a public reading of his work, will, in a sense, have violated the spirit (though not letter) of the ban – though admittedly, later on, it was not Thrasea's work on Cato that landed him into trouble (see below, pp. 117–18). We must admonish, however, that this is highly conjectural, since we ultimately do not know the content of Cremutius' work. Finally, we may note that Cremutius appears to have been a difficult man, not one to shy away from confrontation, as his insult to the emperor's praefect, his speech before the senate, and the subject of his history reveal. In addition, while the case may well have gone against Cremutius (a *senatus consultum* ordered his books burned), the *delatores*, despite Sejanus' backing, do not appear to have been remunerated for their efforts.

The case against Votienus Montanus that same year is even less clear cut. An anonymous *delator* succeeded in having charges brought against Montanus for *maiestas* on account of insults spoken against Caesar, a different charge than that brought against Cremutius.⁶⁰ That is all Tacitus tells us of the charges, and scholars have rightly suspected that Tacitus is no more forthcoming in all the particulars of this case than he is in that of Cremutius. The charges against Montanus were probably more serious given the presence of a military guard at his trial. In addition, a soldier named Aemilius was introduced as a witness who asserted that Montanus had attempted to tamper with the army in some way.⁶¹ In the end, Votienus was condemned for *maiestas*. Tacitus does not name the accuser, but P. Vinicius (*PIR*¹ V 446) may have had a hand in his conviction. Seneca the Elder indicates that there was a long-standing feud between the two, and both used to deride one another's rhetorical style (*Contr.* 7.5.11). In addition, Vinicius had previously accused Montanus on behalf of the colony of Narbo, Montanus' place of origin. In the balance against Vinicius' participation is that, had he acted as *delator*, we would expect some comment, given Tacitus' distaste for well-placed senators who acted as such. Between 26 and 31 the interests of Sejanus (ergo Tiberius) and the senate increasingly faced off against those of Agrippina, her followers and family (see Chapter 6, pp. 142–6). There are, consequently, very few instances of *delatio* that come down to us from this period involving individual acts of opposition in the senate. The only isolated case we find is that in which two *delatores*, Aruseius and Sanquinius, attack L. Arruntius in 31, although their reasons for doing so are uncertain.⁶² Rogers (1931b: 31–45) sees Sejanus' hand behind the attack, arguing that Arruntius was one of Sejanus' leading opponents, though there is little evidence to support his theory; moreover the two *delatores* lost their case and were charged with *calumnia*. In October of 31 Sejanus himself became the victim of his own game, when he was denounced to Tiberius.⁶³ After Sejanus' fall, his clients and followers found themselves suddenly leaderless and vulnerable to the charge that they had acted against the princeps' interests – although in fact they had thought to be supporting them. Our sources depict a world, quite literally, turned upside down. Panic set in and with it recriminatory accusations, bitter partisanship, and hostility that spilled over into Gaius' reign. The *delatores* “were terrified due to the suspicion that their victims were destroyed out of Sejanus', not Tiberius' interest” (Dio 58.12.3). Those previously accused but acquitted through Sejanus' influence were now brought up on charges for this very thing (Dio 58.14.2), and Sejanus' adherents now turned upon one another to deflect suspicion from themselves.⁶⁴ Tiberius had numerous prosecutions conducted in the senate “so that he himself would be free from blame” (Dio 58.16.3). By all accounts, a virtual plague of delation followed: Seneca compares the aftermath of Sejanus' fall to the civil wars, so active were the informers, while Tacitus says no one was to be trusted, no place considered safe – friend or relative, Forum or dining room, everyone hastened to be the first to accuse, sometimes out of self-defense, sometimes simply compelled almost as if a

part of a contagion.⁶⁵ It was the proscriptions all over again; children accused their parents, special rewards were offered, and denunciations were accepted indiscriminately (Suet. *Tib.* 61.2–3). Tiberius' new praetorian praefect, Naevius Sertorius Macro, sent him documents given by informants as well as confessions extracted under torture, and Tiberius would render his judgments accordingly in missives to the senate.⁶⁶ Supporters of the regime were now prosecuted as its opponents; Fulcinius Trio, Junius Otho, Satrius Secundus, and presumably others, fell in their turn.⁶⁷ A number of the *delatores* active in the last five years of Tiberius' reign were to exploit openly the rift which now separated Sejanus' former allies who had suddenly turned unexpected opponents of the court and, as was the case with the Sullan proscriptions, they were to take advantage of the resulting confusion in order to pursue personal vendettas. Yet, while the situation was no doubt grim, it has very likely been exaggerated by our sources, and the details point more to moderation than to blood-letting.⁶⁸ Moreover, as Hennig (1975: 118–21) points out, Tiberius' position in the wake of Sejanus' fall may have been too weak to risk further erosion of support through a general purge in the senate.

Throughout the rest of 31 and 32 Sejanus' previous supporters were to come under sharp attack, though the details of individual cases are sketchy at best, and their outcomes vary. The case of P. Vitellius in late 31 is the first in a series of prosecutions Tacitus relates. In a trial before the senate, anonymous *indices* came forward and accused him of offering his assistance to Sejanus in his capacity as praefect of the treasury (*praefectus aerarii*); he had apparently offered Sejanus access to funds earmarked for the military for the purposes of revolution. Even though Vitellius' brother came to his defense, anxious of the outcome, Publius committed suicide.⁶⁹ At the same time Considius charged P. Pomponius Secundus before the senate with friendship with Aelius Gallus, Sejanus' son, and with offering Gallus refuge in the wake of Sejanus' fall (Tac. *Ann.* 6.8.10). Q. Pomponius, Secundus' brother, stood as surety, and saved Pomponius, who lived into the next reign.⁷⁰ Indeed, it appears that Q. Pomponius (*q.v.*) avenged himself on Considius two years later when he prosecuted Considius and his sister, Sancia, for *maiestas* (the specifics of the charge are lost). Tacitus portrays Pomponius as no better than Considius; he is a character who is of a restless nature (*moribus inquietus*), being involved in more than one *delatio*, and who undertook accusations as a pretext for winning Tiberius' favor and indulgence for his brother. Considius was condemned and executed, while Sancia was interdicted from fire and water.⁷¹

In the next year, 32, Annius Pollio, Appius Silanus, Mam. Aemilius Scaurus, Calvisius Sabinus, and L. Annius Vinicianus, were all indicted for *maiestas* by an unknown *delator*. Little is known about this episode except for the name of one of the *indices*, Celsus; the case was soon dismissed after Tiberius had consulted with the senate.⁷² What the charge was is uncertain, though it seems likely that they will have been accused of tampering with the loyalty of the troops during Sejanus' conspiracy, given that Celsus was a tribune of the city cohort and was

able to extricate the accused from the charge. Concerning the prosecutions against Vescularius Flaccus and Julius Marinus in 32, we know almost nothing; Tacitus' presentation seems to point to a trial before Tiberius followed by execution, but who the *delatores* were is not recoverable.⁷³ Tacitus notes that a *delator* prosecuted Vitia (PIR¹ V 517), the mother of C. Fufius Geminus (consul of 29), who was executed for lamenting the death of her son, yet another case concerning which almost nothing is known (Tac. Ann. 6.10.1). Tacitus deplores such an application of the law, yet it probably was not as irrational as he makes it out to have been; in the wake of Sejanus' fall, those who mourned the dead praefect were later denounced (Dio 58.16.7), and the law, at any rate, prohibited mourning the death of a public enemy (Dig. 3.2.11.3).⁷⁴ The prosecution against Q. Servaeus and Minucius Thermus, where C. Cestius acted as the *delator*, stands out as an example of how Sejanus' adherents managed to save themselves by turning informants against other of his clients (Tac. Ann. 6.7.2–6).⁷⁵ Cestius charged them both before the senate with friendship with Sejanus, though the senate's sympathy was with the accused since neither had abused their position as Sejanus' friend. Such sympathy on the part of the senate caused Cestius some hesitation, and Tiberius intervened and ordered Cestius to read the denunciation, which Cestius himself had sent to Tiberius, and to proceed with his accusation. Servaeus and Minucius saved themselves, however, by turning informers, something which Tacitus says in fact saved many. The only other example he gives, however, is the case of Sextius Paconianus, which had taken place some time earlier, though Paconianus receives considerably less sympathy from Tacitus, since he had previously acted as *delator* in Sejanus' employ (Tac. Ann. 6.3.4; 6.39.1–2). Directly after this case Lucianus Latiaris, the lead informant in the case against Titius Sabinus (see below, pp. 144–6), fell to a *delator* on an unknown charge (Tac. Ann. 6.4.1). Tiberius denounced him in a letter to the senate, and he would have faced the extreme penalty, unless he himself had turned *index*. One of the most intriguing cases to emerge from the prosecutions after Sejanus' demise followed soon after that of Servaeus and Minucius: *delatores* denounced M. Terentius, an equestrian, for friendship with Sejanus.⁷⁶ Terentius did not deny the charge, but rather addressed the senate about his friendship with Sejanus in a candid and frank oration. He indeed had been Sejanus' *amicus*, and was happy to have been so: Sejanus' allies had been honored with offices, Caesar himself had taken him to his bosom, his enemies suffered, and it was not for him to second-guess Tiberius, who himself had advanced Sejanus to such a height. Terentius' candor so impressed the senate that the *delatores* in the case were condemned to exile or death. Some *delatores* exploited the fall of Sejanus to attack members who, while not necessarily his clients, obsequiously stepped in line with his program. To this end C. Caecilianus, in 32, accused M. Aurelius Cotta Maximus Messalinus for impugning the masculinity of Gaius Caesar, for referring to the priestly feast on Livia Augusta's birthday as a funeral feast, and for applying the diminutive to Tiberius in a monetary dispute (under what charges these were

subsumed are unknown, see Tac. *Ann.* 6.5–6).⁷⁷ The foremost men of the city were arrayed against Cotta, who appealed to and was protected by Tiberius, with whom Cotta had a long-standing friendship. Tiberius opposed the accusation, arguing that the spoken word ought not to be prosecuted and getting Cotta off the hook in the face of some powerful enemies (Tac. *Ann.* 6.5.2).⁷⁸

After 32, prosecutions against Sejanus' partisans became more sporadic and much less frequent, in part no doubt because the chief offenders had been dealt with in the previous year. The year 33 is noteworthy for only one event, a mass execution of the most notorious *delatores*; Dio says Tiberius ordered them put to death in a single day. Presumably these were associates of Sejanus, but the purge could also have included those who took advantage of Sejanus' fall to denounce others; little can be retrieved and Tacitus takes no notice of it (Dio 58.21.5).⁷⁹ But the *delatores* were still raking the muck for cases against Sejanus' one-time supporters into the next year. In 34 two *delatores*, Cornelius and Servilius, denounced Mam. Aemilius Scaurus, probably at the behest of Macro, who now loomed large over the scene.⁸⁰ Tacitus tells us that the prosecution was motivated by Macro's hatred of Scaurus, and that he had put a sinister twist on the subject of a tragedy he had written (titled *Atreus*), in which a character stated that "the folly of tyrants must be tolerated," a remark apparently construed as a criticism of Tiberius. If such a charge was included in his prosecution, it was probably a mere pretext, and at any rate, his accusers added charges with greater weight, namely adultery with Livilla (sister of Germanicus and the future emperor Claudius) and magic practices (*magorum sacra*).⁸¹ Dio, for one, asserts that Scaurus' tragedy was not the basis of the real charge, that it was adultery with Livilla, a charge under which Dio says many perished.⁸² The cumulative effect of the charges – of magic and adultery in particular – was too much for Scaurus to defend successfully, and he anticipated the verdict with suicide.⁸³ Following this case the *delator* Abudius Ruso accused Lentulus Gaetulicus, the popular governor of Upper Germany, of betrothing his daughter to Sejanus' son (Tac. *Ann.* 6.30.2–7).⁸⁴ The chronology of the case is problematic, and it is unclear whether or not the charge was even accepted before it was ultimately dismissed and Ruso exiled; at some point during Ruso's attempt either to prosecute or to have the charge accepted, Lentulus wrote a letter to Tiberius defending himself. Whether the letter was written before or after Ruso was exiled is also unclear. It may well have been Lentulus' frankly worded letter to Tiberius, reminding him that the marriage to Sejanus' son was Tiberius' own suggestion, that caused the accusation to recoil back on Ruso, whose exile could easily be explained if Tiberius were seeking to make an example of those bringing forward malicious, partisan accusations without sufficient cause. Alternatively, the lack of action against Lentulus could be a testament to Tiberius' weakened position and to the threat Lentulus posed as commander of a militarily powerful province. Lentulus kept his command and according to Tacitus was virtually the only one of Sejanus' close adherents to escape punishment.

In the next year, 35, an anonymous *delator* attacked Fulcinius Trio, one of Scribonius Libo's infamous *delatores*, and subsequently a partisan of Sejanus', for the charge of association with Sejanus (Tac. *Ann.* 6.38.1). Tacitus' presentation of the case is maddeningly vague. He merely prefaces it with the phrase, "Nor in fact did prayers, satiety, or time, which are wont to soften others, mitigate Tiberius, although it was the third year after Sejanus' execution." The accusers were possibly backed by Regulus, Fulcinius' colleague in the consulship in October of 31; Regulus, in a cantankerous debate late in 31 (after Sejanus' demise), had alleged that Fulcinius' loyalties were suspect and demanded an inquiry, although the senate succeeded in convincing both to put aside their quarrel for the moment. Fulcinius, as the *accusatores* closed in, chose suicide, but had his say in his will, which was full of invective against Macro (who had now taken Sejanus' place as praetorian praefect), certain of Tiberius' freedmen, and Tiberius himself, who, superseding the request of Fulcinius' family, had the will read publicly.⁸⁵ Tacitus uses this as an example to excoriate Tiberius for pursuing old offenses as though fresh, yet we know that Fulcinius' loyalties – as Regulus had asserted – were indeed suspect (Dio 58.9.3), and that he consequently had no role as consul in October 31 in Sejanus' arrest. While the charges and the delay of four years stand as insurmountable difficulties to our full understanding of the case, the motive, if Regulus was behind it, could have simply been partisan enmity.

Of the last two instances in which a *delator* stepped in to check opposition under Tiberius the first was outside the senate; the second case on the other hand, while it had a woman as its defendant, involved some of the senate's leading members. Both cases (which date to 37) are problematic. The first was D. Laelius Balbus' prosecution of Acutia, P. Vitellius' wife, for *maiestas*; no specifics about the case are known, though one scholar has argued for her innocence based on Tacitus' remark that Laelius was "ready against the innocent."⁸⁶ That would certainly be congruent with Tacitus' statement that Laelius was expelled from the senatorial order, a standard punishment for *calumnia*. The only difficulty is that the remark comes in the wake of not Acutia's, but Albucilla's trial, and could be taken to imply that Laelius was one of those caught in adultery with her and punished for it; the remark need not refer specifically to Acutia's case. If that is the situation, then we must assume Acutia's guilt; given the apparent guilt of Vitellius in connection with Sejanus, her involvement with Sejanus or his circle is not implausible. The apparent difficulty, if we accept such a scenario, is to account for the delay of six years between Sejanus' fall and Acutia's condemnation, and here we must admit ignorance. Directly after this case an anonymous *delator* charged Albucilla with *impietas* against the princeps.⁸⁷ The case is a tangled one at best, due to Tacitus' compressed presentation. In addition to *impietas* she was also accused of adultery with some of the foremost men of the state, including Cn. Domitius Ahenobarbus (PIR² D 127), Agrippina the Younger's husband, Vibius Marsus (PIR¹ V 388), and L. Arruntius (PIR² A 1130).⁸⁸ Not everyone is satisfied with the

delator's anonymity in this case. Bauman and Marsh both argue that her husband, Satrius Secundus, acted as *delator*, and the matter depends on the interpretation of the phrase, "Albucilla, who had been married to Satrius Secundus, the informant of the conspiracy (*coniurationis indice*).” While most are inclined to accept the phrase as referring to Secundus’ denunciation of Sejanus’ conspiracy, Bauman and Marsh argue that the phrase refers to the present case. Against Bauman and Marsh there is Terentius’ speech to the senate which clearly indicates that Secundus was close to Sejanus, even controlling access to him, and he could very well have been one of those involved in his betrayal.⁸⁹ What also seems to make Satrius’ involvement unlikely in this case is Macro’s involvement here, for we could scarcely expect to find even a treacherous partisan such as Satrius, who had betrayed his patron, later working as a prosecutor in a case where Macro was apparently one of the prime movers – too much water had flowed under the bridge. A remark Tacitus makes at the end of the case does little to clarify the *delator's* identity: “Fregellanus lost his rank as senator, and the same penalties were decreed against Laelius Balbus.” Tacitus’ terse remark begs the question, was Laelius punished as a conspirator with Albucilla, or was he in fact the *delator* in the case and punished with *calumnia* when she was found innocent, or does this possibly refer even to the case of Acutia?⁹⁰ Tacitus’ presentation leaves this uncertain. Nor are all of the charges involved in the case certain (though clearly there were charges of *impietas* and adultery); *maiestas* does not appear to have been included in the charges, but there is reason to believe that it was a part of the case. In favor of a *maiestas* charge, however, is the fact that Macro was allowed to interrogate Albucilla’s slaves (although they were not sold to the *aerarium*) under torture, but according to Tacitus the evidence he managed to extract was feeble.⁹¹ Indeed, the *commentarii* Macro wrote up from the interrogations and then sent to the senate were believed to be forged, in part because no imperial rescript was included with them (Tac. Ann. 6.47.4). Bauman has argued that what is at work in the accusation as a whole is merely a coterie which met to recite scurrilous verses against Tiberius, whose members practiced adultery, although Barrett more recently has suggested that the group threatened the orderly succession of Gaius or Macro’s own preeminence.⁹² In the end, both Domitius Ahenobarbus and Vibius Marsus survived the prosecution, but Arruntius (whom Macro detested) opened his veins after a dramatic speech excoriating Macro and prophesying about the evil reign of Gaius fast approaching (Tac. Ann. 6.48.2–5). Albucilla herself made an unsuccessful attempt at suicide before being rushed to prison on the senate’s orders, and two of her paramours, Carsidius Sacerdos (PIR² C 451) and Pontius Fregellanus (PIR² P 800) were punished, Sacerdos with insular exile, Pontius with loss of senatorial status. Whatever the facts behind this confused case, the prosecution clearly was looking to the next regime, for Macro will have succeeded, at any rate, in getting rid of some powerful opponents of Gaius, in particular the vocal L. Arruntius, who made no secret in his final hours of his dislike for the youth. As

a happy coincidence, the well-connected Domitius, husband of Agrippina the Younger, may have been neutralized, whose wife, as Bauman has pointed out, will have been only too glad to have her husband deride Tiberius, the persecutor of her mother.

The first eleven years of Tiberius' reign could have witnessed the grinding heel of oppression planted squarely on the necks of the senate. Had the *delatores* had their way, they would have instituted a regime of tyranny and sent all forms of expression under the yoke. Yet they did not, and they failed because of Tiberius' diligence and tolerance. Consequently, *delatores* had little success until 25, except in the area of astrology and magic, in having charges interpreted as opposition that the princeps needed to challenge. The rise of Sejanus and his own need to secure his and the emperor's position led to an increased number of prosecutions, though whether any of them – including those that involved the imperial house – were extralegal up until 29 is subject to dispute (see Chapter 6, pp. 141–7). And even if we accept at face value Tacitus' assertion that Cremutius, Votienus, and Vistilius were prosecuted based solely on their writings (a dubious proposition), Tiberius arguably was merely following the precedents set under Augustus (as he was careful to do) in the cases against Labienus, Cassius Severus, and others. Additionally, an important factor for the activities of *delatores* at this time, and one that, as noted in Chapter 2 (see above, pp. 24–7), skews our sources' presentation of this phenomenon, is the growing numbers of *novi homines* in the senate. One glance at the prosecutions from this period (see Appendix 1) shows that men of established families are the notable exception among *delatores*, indeed, enough so to elicit comment from Tacitus when men of status do prosecute. New men will have looked to the emperor, ergo Sejanus, to advance their careers. Still, it is interesting that Tacitus, despite his obvious dislike of Sejanus, is no more sparing of those *delatores* who go in pursuit of his followers in the wake of his fall. Yet the prosecutions were few and far between after Sejanus in light of what the situation could have been. Tiberius had proved relatively magnanimous.

Gaius Caligula

While by all accounts *delatores* had free reign under Gaius, their role in individual trials intended to squelch opposition in the senate is poorly documented.⁹³ Our loss of Tacitus as a source is to be much regretted in this area, and we are left to rely on the piecemeal and inadequate accounts of Dio, Seneca, and Suetonius. The problem is exemplified by the trial of Canus, a Stoic philosopher, whom Barrett identifies, rightly, as the first in a series of individuals who opposed certain aspects of the Principate in principle, a group of opponents to the court which modern scholars have dubbed the "Stoic Opposition."⁹⁴ The difficulty here is that our sources, the main one of which is Seneca, do not give us enough information even to reconstruct a plausible charge in the case of Canus, let alone the trial or *delator* involved. Concerning

the trials for conspiracy or those which involved members of the imperial house, such as those of Lepidus for adultery and conspiracy (see below, pp. 162–4), we are better informed.

Gaius' reign in fact started out with much promise. Initially, the *lex maiestatis* was rendered null (though he soon resuscitated it).⁹⁵ Pledging to mend a senate torn by internal strife in the wake of Sejanus' death and the ensuing prosecutions, he ostentatiously burned all documents that could lead to senatorial conflict under his tenure; the documents purportedly contained information relating to the accusations against his family under Tiberius.⁹⁶ He further refused to try accusations pending from the previous regime (Suet. *Cal.* 15.4). But the last years of Tiberius left their mark on Gaius' character, and suspicions rankled in his mind: with so many *delatores* Tiberius had been bound to believe some and was justified in so doing (Suet. *Cal.* 30.2). Such was Gaius' logic. The good times were to be brief, for both Dio and Suetonius indicate that his relationship with the senate soon grew antagonistic, with that body acting as the rubber stamp in the persecution of his own family and of Sejanus' former clients. *Delatores* succeeded in 38, after his sister Drusilla's death and deification, in having charges accepted for *maiestas* against those who failed to mourn Drusilla properly.⁹⁷ In 39, producing documents containing *delatores'* denunciations left over from his predecessor which he had purported to burn, Gaius tried to fan the flames still smoldering from the coals of Tiberius' regime.⁹⁸ It is certainly in this context that Domitius Afer's trial must be viewed.⁹⁹ As a prosecutor of his mother's friends (see below, pp. 142–4), it is little wonder Domitius found himself the target of Gaius' malice.

Of the numerous other individual accusations and the charges under which they were tried, very little information is at hand, and we know even less about the *delatores* or *accusatores* who prosecuted them. Only a very few names come down to us, and these are freedmen at that.¹⁰⁰ Of these the most virulent was Protogenes, a courtier and accuser who carried around two books, *Pugio*, "The Dagger," and *Gladius*, "The Sword," which contained the names of those marked out for judicial murder.¹⁰¹ So fearful of Protogenes was the senate, that in 40 it reportedly murdered a senator *en masse* in the House itself at his very nod (Dio 59.26.1–2), although the presentation is dubious, and it was probably in fact a prearranged judicial assassination arranged to intimidate the senate. Like Protogenes, Helico was an imperial freedman with a skill for accusation, and he is found denouncing the Jews of Alexandria in return for bribes from the Alexandrian Greeks. But what, if any, specific accusations against individuals in the senate can be laid at his feet is unknown. Also in 40 an anonymous *delator* laid a charge of *impietas* against L. Vitellius, who was recalled from Syria where he was a successful and capable governor; Dio (59.27.2–6) only tells us that "he [Vitellius] was hated out of envy and plotted against on account of fear."¹⁰² In his supplication to the emperor upon returning to Rome, Vitellius groveled at his feet obsequiously and vowed that if he were saved he would sacrifice to him. While only Protogenes comes down to us as the one *delator* from Gaius' reign

who prosecuted senatorial opposition, there were surely numerous others of whom we hear absolutely nothing. We do, however, have from Gaius' reign our sole example of the consequences which could await the senator who refused to prosecute opposition within his own order after an imperial mandate. Those who refused to show their *fides* to the princeps after such a request could face the most dire consequences, as was the case for Agricola's father, Julius Graecinus (*PIR*² I 344), executed after he refused to accuse Marcus Silanus in 37.¹⁰³ Dio says that Silanus' virtue was offensive to Gaius and that this was the cause of his death; however, Dio also remarks that Tiberius had held Silanus in high esteem for his legal counsel, and it is not past thinking that in such a capacity he will have been involved in the destruction of Gaius' brothers and mother. What may tell against this, however, is that Silanus was Gaius' father-in-law, though it is possible that his actions will have only come to light in court documents preserved by Gaius after Tiberius' death.

We should also note briefly the *delator*'s role in denouncing popular opposition under Gaius. The theater had always been a place where the Roman people could express either their support for or disapproval of Roman politicians, and this was nothing new under Gaius, who used the theater and circus to gage his own popularity and level of support; the emperor, by all accounts, was petulantly antagonistic towards the audience. Here too, *delatores* were now employed to ascertain the level of popular opposition to the princeps. Dio states that informers were scattered throughout the audience to report various forms of behavior which could be construed as dissident: not showing enough enthusiasm or not applauding the emperor's favorite performers, honoring performers he disliked, and extolling him as the "young Augustus," which he took as a reproach on his youth, all were grist for the *delator*'s mill.¹⁰⁴ Many were arrested during the games themselves, and some while they were leaving the theater; at one point the activities of the informants led the theater audience to a lengthy and vocal show of protest demanding the arrest of informers, forcing Gaius to depart the theater in high dudgeon (Dio 59.13.7).

Claudius

The reign of Gaius was Hobbesian at best, and, while we are very short on details, *delatores* by all accounts – few though they are – exploited the venomous relations between senate and emperor to their own ends. Claudius' reign was to take a turn from that of his predecessors. After the "bad" times of Tiberius and Gaius, and the opposition Claudius faced upon succession, the new princeps was interested in showing his goodwill towards the senate.¹⁰⁵ Hence, a general amnesty for all those condemned under Gaius, and the punishment of *delatores* from the previous regime, including the public execution of Protogenes and the burning of his two poisonous tomes.¹⁰⁶ In addition, to prevent subsequent *delationes*, he had the senate's proceedings immediately following Gaius' assassination, at which there was debate over the question of succession,

destroyed.¹⁰⁷ *Maiestas* was abolished or at any rate went into a lengthy hibernation, and (except in the wake of Camillus' revolt) may not have seen the light of day again until 62 (Dio 60.3.6).¹⁰⁸ All outstanding charges of *maiestas* he reviewed carefully, punishing the guilty, but releasing those who had been falsely accused (Dio 60.4.2). This state of affairs, however, was not to last long. Conspiracy, opposition, and now hereditary hatred against the emperors were soon to bring on the recrudescence of delation. It was the age of P. Suillius Rufus, the party hack, once Germanicus' loyal friend, who had easily shifted his allegiance to Germanicus' brother, Claudius.¹⁰⁹ It is he, along with Narcissus and Messalina, who loom large behind the accusations *intra cubiculum* in Claudius' reign. Again, however, the details of many of the individual cases are regrettably lost to us. We have few details concerning Suillius' prosecutions of Cornelius Lupus or Lusius Saturninus other than passing references in Seneca and Tacitus.¹¹⁰ Of the numerous executions of Roman knights Seneca attributes to Narcissus, nothing is known of the individual cases, though it is a fair guess that most belong to the prosecutions in the wake of Camillus Scribonianus' rebellion and after Silius' and Messalina's abortive *coup d'état*.¹¹¹ It helps nothing that justice under Claudius was at times a secretive affair, kept within the confines of the imperial palace, something for which Claudius was later attacked and derided; to the senate, this was little better than summary justice without trial. Yet the accusation against Claudius of conducting trials *intra cubiculum*, as has been noted, is somewhat exaggerated.¹¹²

To all appearances, Claudius' reign was relatively free of individual acts of senatorial opposition, with only four instances that constituted neither conspiracy nor intra-familial factionalism. The first and most notorious case appears in 47, when Messalina put up Suillius Rufus to attack Valerius Asiaticus; Tacitus gives as the ostensible reason Messalina's coveting of the *Horti Luculli* (the Gardens of Lucullus) owned by Asiaticus.¹¹³ The trial is the most infamous of the *intra cubiculum* procedures in Claudius' reign; Messalina and L. Vitellius were both in attendance, and the senate was expressly closed out of the proceedings. Sosibius, Britannicus' tutor, was Suillius' fellow prosecutor and spoke first, alleging that Asiaticus had been a prime mover in Gaius' assassination, had advertised his role in the murder for public consumption, and had planned to subvert the armies of Germany; in addition Sosibius reminded Claudius of Asiaticus' connection with Gaul as a native of Vienne.¹¹⁴ The denunciation had its intended effect, prompting Claudius to send Rufrius Crispinus, the praetorian praefect, to arrest Asiaticus at Baiae. Tacitus' presentation of the arrest, in which he states Crispinus was sent "as if for putting down a war" is intended to make the accusation look ridiculous, Claudius paranoid, and to imply Asiaticus' innocence. Tacitus' derisive portrayal of the episode receives support from Dio, who reports that a witness was present at the inquisition who, when asked to point out the defendant, pointed at Claudius instead of Asiaticus. Once brought back to Rome, Suillius accused Asiaticus to his face of corrupting the soldiery and of adultery with Poppaea Sabina the

Elder; he also added a charge falling under the *lex Scantinia*, that of passive homosexuality (*mollitia corporis*).¹¹⁵ The last accusation was too much for Asiaticus, and elicited an infuriated retort from him against Suillius: "Ask your sons, Suillius," said Asiaticus, "they will attest that I am a man."¹¹⁶ Asiaticus delivered an effective and moving defense, but to no avail; Vitellius, after recalling to Claudius Asiaticus' excellent service to the state, in Iago-like fashion, concluded his praise of Asiaticus with the "generous" suggestion that Asiaticus be allowed to choose his manner of death. Asiaticus then ended his days by opening his veins.

Contrary to Tacitus' assertion, the trial concerned much more than the *Horti Luculli*; Asiaticus constituted a potential threat and challenge to the princeps' position. Bauman has suggested that at the base of the accusation is Messalina's desire for Mnester; in order to charge Poppaea Sabina with adultery and retain Mnester (who was now favoring Poppaea), she simply went after her paramour Asiaticus instead.¹¹⁷ But, as both Bauman and Levick note, there were matters of still more critical importance in this case which our sources probably suppress – hence the praetorian praefect was sent to arrest Asiaticus at Baiae with a contingent of soldiers. The major threat Asiaticus posed consisted of his connections in Gaul that he was now choosing to exploit, something viewed as contrary to imperial interests. Born in Vienne, Asiaticus was a provincial who had risen very high. He held his first suffect consulship in 35, and in 41 he put himself forward as a candidate for princeps in the wake of Gaius' assassination, appealing to popular support and only being restrained from pressing his claim by Vinicianus, according to Josephus.¹¹⁸ In light of Asiaticus' behavior we can interpret Claudius' subsequently elevating him to consul *ordinarius* in 46 in one of two ways.¹¹⁹ On the one hand Claudius could have simply decided, as a show of goodwill and clemency, to overlook Asiaticus' previous behavior; it could, however, also be interpreted as an attempt by Claudius to neutralize the powerful Asiaticus. The honor of a second consulship for a provincial from Gaul, let alone that of an *ordinarius*, is unusual at best, and speaks to his importance, as does his marriage connection with Lollia Saturnina, sister of the wealthy Lollia Paullina, herself later a contender for Claudius' hand in marriage.¹²⁰ Moreover, Sosibius' and Suillius' accusations concerning the subversion of the armies, taken with what we know from Josephus and other sources concerning Asiaticus, indicate that his wealth and connections in Gaul could have posed a genuine threat to Claudius. We need only consider that Julius Sacrovir had already shown that the province could be dangerous, and that tampering with the Gallic provinces with a view to rebellion had already played a role in the prosecution of Vibius Serenus the Elder in 24 (see below, pp. 161–2), and possibly in that of C. Silius in the same year (see below, pp. 141–2). In addition, although we admittedly are forward-looking here in our perspective, it was from Gaul that future threats were to emanate, including the revolt of Vindex in 68 and Civilis in 69; we merely need add to the equation the ancient fears the Romans had of the Gauls to appreciate the impact of the

charges against Asiaticus. Moreover, it is surely significant that Asiaticus' son subsequently played an important role in the revolt of Vindex in 68, offering manpower from Vienne (Tac. *Hist.* 1.59.2; 2.94.2). As Levick (1990: 62–3) notes, that Asiaticus was using money and influence against Claudius' interests in Vienne and Gaul, and that neighboring Germany was indeed a threat due to the proximity of its armies, would appear to be a compelling reason for Claudius to take any undue action by Asiaticus in his native province seriously – especially given his previous experience with Camillus' movement five years before. It is tempting to connect Levick's assertions to a remark by Dio (60.29.4) that Claudius obtained information at this time that some were plotting against him but that he ignored it stating, "It is not necessary to ward off a flea in the same way one wards off a beast." The remark, which comes in the sentence just before the introduction of Asiaticus' trial, could indicate involvement by others with Asiaticus; moreover Claudius' reference to a "beast" (*therion*) seems aptly to echo his description elsewhere of Asiaticus as a "monstrosity from the wrestling gym" (*prodigium palaesticum*). In further support of Levick, there is the strange detail related by Dio that Asiaticus resigned his second consulship voluntarily because he was so wealthy that he felt he would incur less danger if he resigned (60.27.1–3). Additional indication of Asiaticus' influence in the province can be extracted from Claudius' subsequent speech concerning admission of the Gauls into the senate. In his oration Claudius praised Vienne as a "most honored and powerful colony," but also interpolated a deliberate attack against its disgraced native son, Asiaticus, to whom he refers as a *latro* (brigand), and whom he implicitly excoriates for his want of loyalty in light of his consulship. As Levick has noted, Claudius' reference to Asiaticus as a *latro* is significant: "The word implies robbery with violence or murder: Claudius believed that Asiaticus' wealth was being increased by aggravated extortion – from subjects in a province or his fellows in Gaul."¹²¹ There is, in addition, the testimony of Seneca (*Dial.* 2.18.2), whose picture of Asiaticus is hardly flattering – and Seneca, author of the *Apocolocyntosis*, could scarcely be considered a friend to Claudius.

The case against the powerful and popular Asiaticus, though possibly justified, resulted only in discord between the imperial court and senate, and may have contributed to the ugly scene in which C. Silius, who was now playing Paris to Messalina's Helen, proposed the reintroduction of the *lex Cincia* (see above, pp. 43–4) at a senate meeting where Claudius himself was present. Tacitus says the debate was prompted by an instance of collusion on the part of Suillius (see his *vita* for discussion), but it is more likely that Silius' motives were political, not legalistic. It was a not so indirect assault on Suillius Rufus, who had probably just received an ample reward for Asiaticus' prosecution, and, as Levick (1990: 66) is surely right to note, it was also a move on Silius' part to ally himself with Messalina and to neutralize Suillius and other powerful members of the court. The move may have had its intended effect, for we hear

very little of Suillius in imperial politics afterwards, though he appears to have managed to skirt the *lex Cincia* with enough acumen.

Intervening between the case of Asiaticus and the reintroduction of the *lex Cincia* was the case against two Roman equestrians with the cognomen Petra. They were accused of divulging a dream in which one of the brothers saw Claudius wearing a wreath of inverted wheat and the other brother interpreted this as portending a shortage of grain; the wreath, moreover, had whitened vine leaves, and this was interpreted as an omen of Claudius' imminent demise.¹²² The real reason behind their accusation, according to Tacitus, was that they had lent their house to Mnester and Poppaea Sabina; Bauman (1992: 174) has suggested that the case could in fact have been connected with that of Asiaticus (citing Tacitus' remark at the opening of the brothers' case which followed Asiaticus', *Suillius addere reos*, "Suillius added defendants"), though what that connection was, if it indeed existed, is impossible to recover. Bauman has further suggested (1992: 175) that Suillius' accusation was possibly motivated by Messalina's notorious passion for Mnester; getting the two knights and Poppaea out of the way resulted in Mnester's restoration to the empress.¹²³ It is difficult to detect the motives behind the case: certainly, were the two spreading rumors concerning a food shortage, it could be detrimental to the emperor's popularity and could possibly foment popular unrest (cf. Tac. Ann. 12.43). Nor is it implausible that such a charge will have been subject to prosecution, given the way in which Messalina and Narcissus had exploited dreams to take advantage of Claudius' timorous nature in the past (cf. Suet. Claud. 35–7). Easier to recover are the motives behind the case of Camillus Scribonianus' son, prosecuted in 52 (the *delator* is unknown), for consulting astrologers concerning "the emperor's end." Whether there was any "conspiracy" involved in this instance is doubtful, for no accomplices are detected, and he was only exiled (though did not survive long), and his mother Vibia with him.¹²⁴ Claudius could have been harsher in his prosecution of the case as he himself noted, in particular in light of the record of the elder Camillus and the perennially harsh actions that followed astrological consultations. Indeed, the seriousness of the charge is indicated by the expulsion of astrologers from Italy after his condemnation by a *senatus consultum*.¹²⁵ It was, in all likelihood, a case of inherited hatred against the emperor on the younger Camillus' part, against which Claudius was compelled to act.

An almost identical case occurred in the following year when Agrippina the Younger, Claudius' new wife as of 49, attacked Statilius Taurus (the consul of 44), a well-connected noble with a possible grudge against the princeps. Taurus' prosecution, according to Tacitus, was a virtual redux of the case against Valerius Asiaticus, at least in terms of motives, with an imperial wife undertaking judicial murder due to her desire to possess Taurus' pleasure gardens.¹²⁶ It was with this purpose, Tacitus tells us, that Agrippina unleashed the *delator* Tarquinius Priscus against T. Statilius Taurus in 53.¹²⁷ The charges against Taurus included *repetundae* during his proconsulship in Africa, but the main

charge appears to have been magic, as had been the case with Camillus the Younger.¹²⁸ Tarquitiuſ had been Taurus' legate during his tenure in Africa, making his prosecution even more distasteful than it already was, and Tacitus ſays that the accusation was patently falſe. Taurus did not await the outcome and took his own life before ſentence could be paſſed. Following his ſuicide, the ſenate expelled Tarquitiuſ from its ranks, becauſe, according to Tacitus, the ſenators believed Tarquitiuſ to be a tool of Agrippina's, and wanted to put a check on her power by puniſhing him. Now Tarquitiuſ could have had a genuine caſe againſt Taurus, but the accusation is rendered problematic by Taurus' ſuicide and Tarquitiuſ' ſubſequent expulsion. That Taurus took his own life could be interpreted in two ways, indicating either his real guilt, or the hopeleſſneſs of his ſituation in the face of Agrippina's move againſt him. But if the ſenate felt ſecure enough to expel Tarquitiuſ, it at leaſt ſeems that it ought alſo to have been prepared to acquit Taurus and that leading members of the ſenate will have indicated as much to him. Taurus committed ſuicide before a verdict was reached and Tacitus then ſtates, "Nevertheless (*tamen*), Tarquitiuſ was driven from the ſenate," a remark which ſhows that Tarquitiuſ' expulsion was extraordinary (note the qualifier *tamen*), which it indeed was ſince the trial did not ſee completion; hence Tarquitiuſ ſhould not have been ſubject to a charge of *calumnia*, and, perhaps tellingly, was ſoon reſtored. The moſt likely ſolution is that Taurus in all probability was guilty as charged. Tarquitiuſ' accusation left a bad taſte in the ſenate's mouth becauſe he had been Taurus' legate during his proconſulſhip of Africa, although ſuch a poſition will have allowed Tarquitiuſ firſthand knowledge of Taurus' wrongdoing there. Moreover, from the imperial court's perſpective Taurus' family connections made him dangerous; his brother Statiliuſ Corvinuſ, conſul in 45, was condemned for conſpiracy in 46, rendering Taurus a potential enemy.¹²⁹ In addition, the charges of magic (*magicæ ſuperſtitiones*) were an ineluctable charge, and one emperors were inclined to accept as genuine.¹³⁰ The court viewed Taurus as a threat, with the traditional dynamic of enmity at work here; whatever the truth of the accusation, Claudiuſ and Agrippina will have been only too happy to ſee him removed. The families of both Statiliuſ Corvinuſ and Taurus learned their leſſon well, and watched their ſtep thereafter. Taurus' niece became Nero's laſt wife, and his grandnephew, L. Valeriuſ Catulluſ Meſſalinuſ, was to become one of the chief collaborators of the Flavian dynasty.

SENATORIAL OPPOSITION AND RESISTANCE II

Nero to Domitian

Nero

Nero's reign started out with great promise: the court pledged greater independence for the senate, and to eliminate some of the influences (such as wives and freedmen) which had driven *delatio* under Claudius.¹ Good relations between the senate and emperor were to prevail, nor was the court's pledge necessarily a hollow one: Calpurnius Siculus remarks that laws and suits were now returned to the Forum with consulars presiding over cases.² In a show of the imperial court's good faith, two accusations were refused in 54, the first an accusation lodged by a slave against Carrinas Celer, a senator, for an unspecified charge, and the second against Julius Densus, an equestrian, for supporting Claudius' son Britannicus, who still remained as a threat to Nero.³ A similar case which illustrates the desire of the court to check delation early on arose in 55 when information was laid against Pallas, Claudius' wealthy freedman, and Burrus, Nero's praetorian praefect. The charge was that they had conspired with Cornelius Sulla (a man from a distinguished family and Claudius' son-in-law) to procure the throne for him. The accuser was a certain Paetus, who was notorious for buying up confiscated estates at state auctions and selling them for a profit, and who was now apparently guilty of fabricating a charge against Pallas, Burrus, and Sulla.⁴ Although the charge was accepted, the three were acquitted and Paetus was condemned for making a false accusation; the records in the *aerarium* by which Paetus had attempted to resuscitate long forgotten charges were burned. Rudich (1993: 20–1) conjectures that Nero allowed the accusation to proceed in order to make a statement concerning just how he intended to treat *delatores*, an attractive suggestion in light of the two cases in 54 (and Suillius' prosecution three years later), and in view of the dearth of prosecutions in the senate early in his reign.

Indeed, prior to the (possible) reintroduction of the *maiestas* law in 62, the only instance of anything that can be construed as senatorial "opposition" to the court prosecuted by a *delator* is the case against Suillius Rufus, something

which will have inspired little grief in the senate.⁵ Suillius had taken to attacking Nero's tutor, Seneca, in harsh terms:

[Suillius took to] reproaching Seneca as hostile to the friends of Claudius, under whom Seneca had endured a most just exile. At the same time, having grown accustomed to idle pursuits and the ignorance of young men, he accused Seneca of begrudging those who practiced a vigorous and uncorrupted eloquence for the purpose of protecting fellow citizens. He had been Germanicus' quaestor, while Seneca had been an adulterer in Germanicus' house. Or was it to be accounted more serious to pursue an honest day's work and obtain the reward due a litigant than to defile the bedchamber of the foremost women of the state? By what wisdom, by what philosophical precepts, had he obtained 40,000,000 sesterces within four years of friendship with the court? In Rome, wills and childless men were captured, as it were, in his snares; Italy and the provinces were exhausted by the immense amount of interest he charged, while his own moderate fortune had been sought out through toil. He would tolerate a criminal charge, danger, everything, rather than submit his dignity, long since obtained in service at home, to a chance upstart.

(Tac. *Ann.* 13.42.3–8)

Suillius' remarks were not without foundation, for Seneca was indeed guilty of adultery with Livilla, Germanicus' daughter, and possibly of adultery with Agrippina the Younger as well.⁶ There were those willing to denounce Suillius' remarks to Seneca, who soon found *accusatores* to charge Suillius with maladministration in Asia and embezzlement of public funds. The prosecution was given a year to investigate their case in the province, but this tactic was soon abandoned, and instead Suillius was charged "with all of Claudius' cruelties" (Tac. *Ann.* 13.43.3), though under what laws the charges were made remains uncertain (perhaps the *lex Cornelia de sicariis*). He was formally accused (whether in the senate or *intra cubiculum* is uncertain, see Talbert 1984: 177) of driving Q. Pomponius Secundus into the arms of L. Arruntius Camillus Scribonianus in 42 by the harshness of an accusation against him, of driving to their deaths Julia, the daughter of Drusus, and Poppaea Sabina, of encompassing the deaths of Valerius Asiaticus, Cornelius Lupus, and Lusius Saturninus, and of the execution of numerous equestrians.⁷ Suillius was forced to appear before Nero to plead his case, and he tried to impute responsibility to Claudius and Messalina, asserting that he undertook no case of his own volition. Nero would have none of it: Claudius, he asserted, had ordered no one's prosecution and Suillius alone had acted as Messalina's creature. The case concluded with Suillius' condemnation and exile; half his estate was confiscated. The *accusatores*, smelling blood, next went after Nerullinus, Suillius' son, charging him with *repetundae*, though Tacitus says the accusers were motivated by hatred

of his father; Nero, seeing the accusation for what it was, a gratuitous act of vengeance, called a halt to it.⁸

Suillius, by attacking as powerful a member of Nero's circle as Seneca, transformed himself into an opponent of the court, and an unpopular one at that. The subsequent attack on his son indicates the depths of resentment against Suillius; doubtless there were family members and friends of his victims ready at the first signal to pounce in revenge. Yet a list of some of the corpses left in his wake, of Pomponius, Saturninus, and Cornelius, all involved in the revolt of Camillus (see below, pp. 164–6), also attests to loyal service on behalf of the security of the princeps and the state.⁹ When Suillius offered the defense that he worked at the behest of Messalina, Nero, as Griffin (1984: 54) has pointed out, could offer only the most inadequate response. But there were other prosecutions that will have provided many with much material against Suillius, including his large number of prosecutions directed against equestrians (though these, too, probably refer to those tried in the wake of Camillus' revolt). More ominously, 58 saw Nero's budding relationship with Poppaea Sabina, daughter of Poppaea Sabina the Elder, Suillius' (and Messalina's) victim under Claudius; hence a personal element in Suillius' punishment should not be ruled out.

Scholars are accustomed to refer to the *quinquennium Neronis*, the five years between 54 and 59 before the bad time when Nero murdered his mother, Agrippina; however, in terms of senatorial opposition, *delatores* were spectacularly unsuccessful in having anything accepted as such before 62. Even *delatores* who denounced those who spoke ill of or otherwise derided the princeps for the murder of his mother had no success in introducing charges, for Nero refused to entertain their accusations (Dio 61.16.2–3).¹⁰ It was only in 62, when the case of Antistius Sosianus came on the docket, that *delatores* succeeded in interpreting and prosecuting a senator's actions as an act of "opposition" which merited a response. The case, as related by Tacitus (*Ann.* 14.48–9), is as follows: Antistius recited some scurrilous verses against Nero at a banquet at Ostorius Scapula's house. Cossutianus Capito, recently restored to senatorial status by his father-in-law, the praetorian praefect C. Ofonius Tigellinus, charged Antistius with *maiestas*, and Tacitus states that this was the first application of this law under Nero, which had actually been in abeyance since the opening of Claudius' reign.¹¹ Nero hoped that he would have the opportunity to display his clemency, since he assumed the senate would pass a harsh verdict and that a show of leniency would redound to his credit. Despite Ostorius' testimony in Antistius' favor (which was not necessarily inspired by any noble sentiment), a number of hostile witnesses came forward, Antistius was condemned, and Junius Marullus, the consul designate, proposed death in the ancient fashion (*more maiorum*).¹² At this juncture the soon to be famous Thrasea Paetus offered an unexpected and unwelcome alternative to Marullus' proposal: Antistius' actions were indeed reprehensible, said Paetus, but under so excellent a princeps cruel measures were hardly necessary; rather let Antistius be exiled and his property

confiscated. Thrasea's proposal carried the day, and the consuls sent Nero a letter relating the senate's decision. Nero sent a missive back commenting on the gravity of the offense, but also stated that he would have prevented the severity of Marullus' proposal, nor would he now prevent their *moderatio* – indeed, they could have acquitted Antistius, had they wished.

The whole episode, according to Tacitus, was a sham. Tacitus says that Nero was seeking to increase his own glory through a grant of clemency, but this is nothing more than a rumor reported by Tacitus.¹³ Despite Nero's letter to the senate he was angered, according to Tacitus, by Thrasea's proposal, since Thrasea had anticipated his intervention by tribunician veto. Tacitus asserts that his letter showed clear signs of offense, though Nero's psychological state in this episode (as elsewhere) may well be a Tacitean fiction, and the first part of the rescript quoted by Tacitus is worth noting in this regard:

The emperor, hesitating between shame and anger (*ira*), afterwards wrote back that Antistius, provoked by no injury, had spoken most serious insults against him; revenge for these had been demanded by the senators (*ultionem patribus postulata*), and it was suitable that a punishment be decided in accordance with the magnitude of the offense.

(Ann. 14.49.3)

The level of Nero's anger in the letter is dubious, and at any rate, *ira* need not necessarily mean that Nero was intent on a harsh penalty. Nero's involvement in the case, moreover, was minimal up to this point (note *patribus postulata*, not *principe*). There is no evidence, as Bradley points out (1973: 178–9), beyond the rumor Tacitus reports, that Nero put Capito up to the accusation; Nero only intervened when the senate reached an impasse in discussions over the fate of Antistius. Moreover, as Bradley has noted, "Tacitus' paraphrase to the senate is fully convincing of fair play: the law should be met but not exceeded. The lighter sentence prevailed."¹⁴ Arguably Nero's remark that the senate could have acquitted Antistius, had it wanted, should have served as a guide, as Tiberius' rescript had after Clutorius Priscus' execution. Against Nero's favor, though, is the very fact that the trial had been allowed to proceed at all; it was the first instance, since the reign of Gaius (possibly), of a successful prosecution against opposition of a literary nature.¹⁵ It was, however, also an isolated example; few prosecutions of this sort have a place in Nero's principate. As for the *delator* in the case, his motives are not hard to ascertain. Cossutianus, recently reinstated after his expulsion from the senate for conviction *de repetundis*, will have been looking to prove his loyalty to the court.¹⁶

Tacitus exploits Antistius' conviction to his own rhetorical advantage, for he states, following that case, that Fabricius Veiento was convicted on a similar charge.¹⁷ Veiento had written vituperative libels against some senators and priestly officials; more seriously, however, he was charged with trafficking in offices (*de ambitu*). Tullius Geminus prosecuted the case, and it was the charge

de ambitu, not that of libel (which did not touch on the princeps anyway), which prompted Nero to take over the case himself.¹⁸ As Bauman has noted (1974: 32), Cassius Severus under Augustus served as precedent for the case's denouement, in which Veiento was exiled and his works burned on the grounds that they attacked others of high status (*inlustres*). As Bradley (1973: 181) has noted, however, there is no evidence that Nero was the prime mover in the case, and no evidence that Nero and Geminus colluded in Veiento's fall from grace. More far-reaching consequences came from *delatores*' attempts at this time to turn Nero's minister, Seneca, into an opponent of the court in the wake of Burrus' death in 62, and Nero's willingness to give them a hearing (Tac. *Ann.* 14.52.1). The *delatores* denounced Seneca's ever increasing wealth (as had Suillius several years earlier), his cultivation of popular support, and the magnificence of his villas and gardens, which surpassed those of the princeps; in addition, they attacked his eloquence and accused him of writing verse only after Nero's interest in it had grown as well. They further accused Seneca of disrespect towards Nero's activities as a charioteer and of deriding his abilities as a singer, and urged Nero to dismiss Seneca. But Seneca had spies of his own within the imperial house to inform him of the *delatores*' incriminations, and he anticipated dismissal with retirement (Tac. *Ann.* 14.53). The *delatores* got what they wanted – they were able to cast Seneca's activities in a suspicious light, make his loyalties suspect, and force his withdrawal from court.

After 65 *delatores* were able to pick up the pace of accusations in the senate, and with good reason, since the Pisonian conspiracy had understandably shaken the emperor.¹⁹ Suetonius also states that Nero was in search of revenue, and, having been disappointed of his hopes of finding a treasure trove in Africa, consequently resorted to false accusations, though how much *delatores* will have contributed to the imperial purse is open to question (Suet. *Nero* 31.4–32.1; cf. Tac. *Ann.* 16.1).²⁰ In the final phase of Nero's rule, *delatores* closely scrutinized the behavior of individual senators for signs of opposition and exploited the strained relations between the senate and emperor in an effort to make their case; the now virulent atmosphere is best summed up by Vatinius' unfettered remark to Nero, "I hate you, Caesar, because you are a senator."²¹ The strain showed in the senate too, as senators now formed factions deemed against Nero's interest, and *delatores* moved against these.

In 66 Cossutianus Capito, Eprius Marcellus, and Ostorius Sabinus (with the help of P. Egnatius Celer) moved against Thrasea Paetus, Marcius Barea Soranus, their friends and families, in what is certainly the best documented prosecution of the so-called "Stoic" opposition under the Principate.²² It is not our purpose here to try and reconstruct the philosophical basis of the Stoic opposition, a well-trodden path; our main concern, rather, is to consider pure and simple the political and legal ramifications of the actions of the individuals involved.²³ Now Tacitus' presentation of this cluster of prosecutions is as follows: Nero had long hated both Thrasea and Barea. The princeps' hatred for Thrasea was particularly acute for several reasons: he had walked out of the

senate during deliberations in the wake of Agrippina's murder, participated in festivals in his home town of Patavium but avoided the Juvenalia in Rome, argued for leniency towards Antistius Sosianus (see below, pp. 113–14), and been absent from Poppaea Sabina's funeral and from the senate when it decreed her divine honors in 65.²⁴ The veteran *delator*, Cossutianus Capito, kept alive the slights, and played on the fear of civil strife and Thrasea's subversive tendencies in the form of his "Stoic-republican" sympathies.²⁵ More than once he accused Thrasea to Nero of avoiding the annual oath to maintain the deeds of the emperor (*acta principis*, 16.22.1, 22.5); in addition, Cossutianus recalled that Thrasea had shirked his duties as a member of the priestly college of the *quindecimviri*, had refused to sacrifice to Nero's health or to his divine voice (16.22.1, 22.4), had not entered the Curia for three years, though once most active in public affairs, and had taken no part in the recent condemnations of Silanus (see below, pp. 153–4) and Vetus (see below, pp. 154–5), even though he by no means ceased to look to the private concerns of his clients.²⁶ His retirement, Capito asserted, was nothing more than an attempt to create a faction that could lead to open war. Using the alarming analogy of the conflict between Cato (a symbolic lightning rod for opponents of the princeps) and Caesar, Capito frankly stated that the city was eager for discord and even now choosing sides, with Thrasea's followers imitating his stern "republican" demeanor as a reproach against Nero's more sportive nature.²⁷ Nor was Nero's grief at the loss of Poppaea, nor her deification a concern to Thrasea. The Roman people read in the daily bulletins throughout the provinces and (more threatening still) throughout the armies, what Thrasea was or was not doing. "Let us go over to his ways," thundered Capito, "if they are preferable, or let the leader and author be removed from those who desire revolution!" Cossutianus continued that Thrasea was following the same Stoic principles as a Tubero or Favonius had during the Republic, which had done the state no good. He fumed that Thrasea's pose as one who cherished *libertas* was merely a specious pretext for overthrowing the state which would have the same result as overthrowing *libertas* itself, and concluded by reminding Nero that he had removed a Cassius (referring to the late jurist, and descendant of Caesar's assassin, C. Cassius Longinus, see below, pp. 153–4) in vain if he allowed a Brutus to flourish.²⁸ Finally, he urged Nero to take no action himself against Thrasea, to leave him to the senate instead. The denunciation, as presented by Tacitus, indicates that Capito had to employ his best rhetorical efforts in order to have Thrasea, his enemy, brought to trial, working hard to make his case to Nero against him; it is Capito, not Nero, who is responsible for his fall.

Capito was no alchemist making gold out of lead. He had good motives for prosecuting Thrasea, since Thrasea had assisted the Cilicians in convicting him *de repetundis* in 57. Moreover, there were solid legal precedents to support most of Capito's denunciation and his case against Thrasea. First, the refusal to take various loyalty oaths was certainly offensive, particularly the oath in Augustus' name; Apidius Merula's refusal of the oath in 25 led to his expulsion from the

senate, and there were probably other such cases as well.²⁹ Similarly, Thrasea's refusal to join in Silanus' and Vetus' condemnations was unwise at best. Not to vote for condemnation of imperial rivals and opponents was a dangerous game; Tacitus, for one, could not bring himself to do it (Agr. 45.1).³⁰ Perhaps most offensive, from a legal standpoint, was his shirking of public offices, a dereliction subject to a *maiestas* charge even during the Republic. As such, Capito could claim ancient legal precedent against Thrasea.³¹ In the letter Nero wrote to the senate in the course of Thrasea's trial, his desertion of public duties was the one detail Tacitus chooses to relate (Tac. Ann. 16.27.2). It was a detail designed to drive a wedge between Thrasea and his fellow senators, and as D'Aubignon has noted, will have been an effective appeal; why, after all, should the senate sit in awed complacency at Thrasea's bold actions, while most of them simply struggled to get by under an emperor many found distasteful?³² The senate was doing its best to maintain the peace between itself and a princeps recently made suspicious (hence dangerous) by the Pisonian conspiracy. Why, one must ask, would it be sympathetic towards one ready to poison relations further between the senate and emperor? When the accusation actually took place in the senate, it was (again) Thrasea's shirking of public duty which Eprius Marcellus impugned as particularly offensive (Tac. Ann. 16.28.3). Indeed, Eprius' opening words, as related by Tacitus, appear designed to appeal to senatorial unity and tradition; he makes no explicit mention of Nero, and instead appeals to public service and ancient custom (*mos maiorum*), accusing Thrasea, through his actions, of holding senatorial tradition in slight regard (Tac. Ann. 16.28.1–3).³³

On the other hand, as Bauman has remarked, the charge made in the senate that Thrasea had deserted public duties (*munia publica*), a vague phrase at best, could have opened a legal Pandora's Box much to Thrasea's disadvantage.³⁴ Capito and Eprius could, for example, subsume his neglect of divine honors to Poppaea under such a charge.³⁵ It could easily have been extended to include Thrasea's absence from games and festivals as well. Indeed, if the avoidance of games and festivals was not yet an offense (perhaps it was made so by this case), it soon was to become one; Dio remarks that, as under Gaius, informers were placed in the audience at circuses and theaters to record not just attendance, but the gestures and reactions of the senators in particular.³⁶ We may fairly ask, why this vague reference to desertion of *munia publica* if there were more solid legal foundations on which to try the case? It may have been that Capito was taking advantage of apparent transgressions, such as not occupying a legally voted office, with a view to subsuming other actions under it. Such a move would make an open and shut case against Thrasea, and have the added advantage of extending the desertion of *munia publica* to include other actions not previously considered as such.

Capito's comparing of Thrasea's behavior to that of Cato's was also not groundless. Thrasea had not hidden his admiration for Cato, having written a biography of Caesar's most famous opponent; in his personality and demeanor,

not to mention his intellectual allegiances, Thrasea followed Cato's example.³⁷ Capito's comparison, however (and perhaps remarkably), did not have legal ramifications. Indeed, there is no evidence that Thrasea's work on the life of Cato was in any way included in the charges, and it is never mentioned in Tacitus' account. Instead, the charge was designed to appeal to Nero's vanity and insecurity and to raise the level of urgency in reducing Thrasea; throughout his denunciation Capito draws a parallel between the divisions which tore at the state during the Late Republic and the potential for discord Thrasea posed. Consequently there were grounds for concerns, since Thrasea was not wanting in those who admired and followed him.³⁸ Thrasea, however, was no Brutus, and he was not threatening civil war, despite (Tacitus' version of) Capito's words. Once Thrasea and his followers faced the inevitable, they deliberated over their course of action; assassination or revolution never appear to have been alternatives. Nor could they, by their own admission, count on support in the senate, even from those who might have been silently sympathetic to their position (Tac. *Ann.* 16.26.2). Thrasea chose suicide and – given the rather theatrical, spectacular, and quasi-public nature of his death – rather disingenuously admonished his followers to keep a low profile.³⁹ That is scarcely indicative, contrary to Capito's assertion, of a party with enough popular backing to commit itself to open war, even if it so desired; nonetheless, Capito's exaggeration does not nullify Thrasea's legal offenses, which were ill-timed and impolitic, capable only of exacerbating the already strained relationship between the senate and emperor to no practical end.⁴⁰ It is perhaps telling of how disruptive Thrasea's behavior was that not everyone admired his exit.⁴¹ Moreover, the adherence to philosophic principles was recognized by the political elite as deliberately provocative.⁴²

We should note in passing that discussions of the conflict between Thrasea and Nero tend to focus on the ideology or morality of the conflict. However, there was very probably a familial element in it as well. Thrasea's wife was a woman named Arria, whose mother was the wife of A. Caecina Paetus, who perished under Claudius. Thrasea's inclination against Nero could have been partly a matter of hereditary enmity against the emperors, as it was for Paconius, one of his followers. In addition, despite the fact that Tacitus makes this out to be an attack motivated by Nero's hatred of Thrasea, it is Capito who looms large here, not Nero. It is Capito who must work hard to convince Nero to put Thrasea on trial, who tells Nero how the trial ought to be conducted, and who acts as the chief prosecutor of Thrasea for understandably personal reasons. In addition, Capito's attack on Thrasea's circle could be explained by the simple fact that he was looking to neutralize those who could avenge themselves most immediately for his prosecution against Thrasea. The only inkling of Nero in this trial is a general (and by no means harsh) letter of censure rebuking senators and knights for shirking public duty.

In his wake Thrasea brought down three of his followers, Helvidius Priscus, Paconius Agrippinus, and Curtius Montanus, with Cossutianus Capito and

Eprius Marcellus again acting as *delatores*.⁴³ The specific charges against Helvidius and Paconius are uncertain, but one was probably *maiestas*: the close ties both had with Thrasea – Helvidius was Thrasea's son-in-law – landed them both in trouble. It appears, furthermore, that Helvidius was also prosecuted for deserting *munia publica*, while Paconius' family had a long-standing feud with the imperial house.⁴⁴ While it is doubtful that Stoicism *per se* played any role in their condemnation, it is possible that the ideology it espoused carried certain political implications on which one could act (e.g. abstinence from office) which could be made out to be a threat in a court of law; they could also have simply been removed as supporters of Thrasea who posed a potential threat of further disturbances (a fear which subsequently must have seemed justified to some senators in light of Helvidius' behavior under the Flavians). Both were exiled. Montanus escaped with a relatively light sentence: charged with libel, Tacitus misleads his readers, stating that his talent was the reason for his exile (*Ann.* 16.29.4), but later states that he was merely handed over to his father for custody and barred from office (16.33.3).⁴⁵ The sentence did little to damage Montanus or his career, and he is later found in the senate as one of the prosecutors of Regulus in 70, taking up the cause of M. Crassus' widow, Sulpicia Praetextata. The prosecution was to sow the seeds of later discord; indeed, it was a watershed for the Stoics, for without the prosecution of this particular political circle, it might never have continued its abiding obstructionism and antagonism under the Flavians.

Ostorius Sabinus next conducted the case against Barea Soranus, another senator with Stoic leanings, probably at the same session of the senate, where Thrasea's trial took place.⁴⁶ The indictment against Soranus arose out of his proconsulship in Asia and included cultivating the friendship of Nero's potential rival, Rubellius Plautus (concerning whom see below, pp. 152–3), of canvassing for support in the province for the purpose of rebellion, and of inciting the cities of Asia to revolt; the last charge Tacitus dismisses as patently untrue. After these charges were read, Ostorius produced as a witness Soranus' daughter, Servilia, whom he charged with consulting astrologers, an act she admitted, but defended as well, explaining that she had consulted them out of concern for her family: she had wanted to know whether Nero would show mercy towards her father and whether the senate would pass a harsh sentence. In introducing her Tacitus adds the detail that she was the wife of Annii Pollio, who had been exiled for his involvement in the Pisonian conspiracy the year before. Her marriage tie could well have constituted part of the indictment against her (though Tacitus suppresses this), since her father felt compelled expressly to dissociate Servilia from her husband's actions. Tacitus justifies her indiscretion in consulting astrologers based on her age and feeling towards her father, for she had acted out of *pietas*, and he proceeds to exploit the scene's high pathos. Ostorius interrogated her mercilessly about the selling of her jewelry to raise money for her consultations until she collapsed on the floor of the senate and burst into tears; regaining her composure, she attempted to

deflect the blame from her father by taking it on herself. Soranus pleaded for mercy for the girl, asseverating that she had not been in Asia with him, nor involved in the crimes of her husband. At this juncture P. Egnatius Celer was introduced as a hostile witness against both; the enormity of Celer's testimony was particularly shocking, since he not only was Soranus' client, but had urged Servilia to consult astrologers himself.⁴⁷ Soranus and his daughter were condemned to death.

At first glance, the case against Soranus and Servilia seems flimsy at best. Supporting the possibility that the accusation was groundless is Celer's subsequent condemnation in 70, most likely under the *lex Cornelia de sicariis*, for his testimony in this trial. It could well be, however, that Celer's behavior (as a "betrayal and corrupter of friendship") was simply too offensive for the senate to overlook, and that he was an easy target (as one who was possibly of low status, Tac. *Hist.* 4.10). Moreover, while his punishment may well imply his guilt, it does not mean that Soranus and Servilia were necessarily innocent, and there is much that will have given the prosecution solid ground on which to stand. The first charge against Soranus, conspiracy to raise the province of Asia to revolt and friendship with Plautus (*amicitia Plauti*), could have had some foundation.⁴⁸ The year before, in 65, L. Antistius Vetus, Plautus' father-in-law, along with his wife Sextia and his daughter Antistia Pollita, perished at the hands of one of Antistius Vetus' own freedmen, Fortunatus, and Claudius Demianus, a man Vetus had imprisoned while governor of Asia.⁴⁹ The specific charge is not related (possibly, as with Soranus, it was *amicitia Plauti*), but all three were condemned to death. It was Vetus who had urged Plautus, in 62, to resist the executioners sent by Nero through open war and rebellion (Tac. *Ann.* 14.58.3–5). Nero had hardened against the associates of Plautus who rightly came under suspicion, and the *delator*, Ostorius, now exploited this. Equally suspicious will have been Servilia's (and by extension, Soranus') proximity to Annius Pollio. Such associations, taken in conjunction with Soranus' own Stoic leanings and the concurrent case against Thræsea, could not help but to put Soranus in the enemy's camp. The final nail in Soranus' coffin, however, was almost certainly the charge that his daughter had consulted astrologers. As already noted, this was the real *inevitabile crimen* in the *delator's* repertoire from which there was no extrication; and in light of the case of Ostorius Scapula and P. Anteius in that same year (see below, pp. 170–1), it was a difficult charge to explain away.⁵⁰ Moreover, Servilia herself had admitted openly that she had made such consultations, as Furneaux long ago noted, with the professed intent of influencing the trial's outcome: "Nor did I invoke anything else in my unfortunate prayers other than that you, Caesar, you, senators, might preserve this best of fathers unharmed." Such an admission will have had the effect of casting her consultations concerning the emperor in an even more sinister light than usual. Nor could it help that she herself may not have been well disposed to Nero, given her husband's exile. Contra Rudich (1993: 160), the charges against Servilia were not a matter of "psychological sadism," nor, given the

gravity which charges of magic practices brought, can we believe that "Tacitus' insistence on the wholly innocuous character of her inquiries is plausible." It is a rarity that such consultations are treated with leniency, and must be viewed in their greater context. There is, finally, one further indication that Soranus and Servilia were not simply lambs led to the slaughter: it was Egnatius, the false witness in the case, who was punished, not Ostorius, the actual prosecutor, who was allowed to escape with impunity.

The year of the four emperors

At no point in our period is the animosity created by the *delatores* and their services to the emperor more pointed than in the political turmoil of 69 and 70. It is arguably at this juncture that we can genuinely speak of "factionalism," in which two groups, those who actively collaborated with Nero and those in the senate who complied supposedly out of fear, arrayed themselves against one another. Immediately following Nero's death and Galba's succession, Neronian exiles were recalled and vendettas satisfied; imperial freedmen and some lesser *delatores*, such as Aponius, were violently slaughtered. A speech Tacitus attributes to Curtius Montanus has him state that *delatores* were punished "according to the custom of our ancestors."⁵¹ Particularly prominent in the conflict were those who had suffered exile in the wake of Thræsea's condemnation and any involved in prosecutions later in the regime. Galba led the way by passing a decree demanding the return of all gifts or moneys received from Nero, possibly with a view to compensating those who had suffered confiscation (Dio 64.3.4c); such a move will have had as precedent Claudius' actions at the opening of his reign. In addition, everyone exiled for *maiestas* was now recalled (Dio 64.3.4c). A *senatus consultum* passed under Galba demanded an investigation of prosecutions under Nero; the decree had varying results according to Tacitus, depending on the power and resources of the defendant (Tac. *Hist.* 2.10.1).⁵² The subsequent record of prosecutions supports Tacitus' version of events, for the senators who had either been opposed to Nero or persecuted by him were ultimately to be far from satisfied by the end result of the *senatus consultum* which left unpunished numerous *delatores* active under Nero's regime: the "few and the powerful" (*pauci et validi*) and the "many and the good" (*multi bonique*) solidified into their respective factions and lived not always in harmonious cohabitation in the senate, into the next dynasty.⁵³

The senatorial decree passed under Galba, it should be noted in passing, did nothing to halt *delatio* in the chaos of 69. In the midst of the turmoil, vengeance was occasionally satisfied. Hence, Vibius Crispus, himself a Neronian *delator*, successfully prosecuted Annius Faustus, a man notorious for delations under Nero. The messenger of destruction, however, discomfited the senate; all the same, Crispus had good reason to go after Faustus, since he had prosecuted his brother, Vibius Secundus, for *repetundae* in 60. In addition, spies abounded in the city and in the armed camps to denounce potential political opponents (see

Tac. *Hist.* 1.75.1; 1.85.2), and men were allegedly pressed into service to put the legal stamp on judicial murder. Of these, however, most were in the nature of dubious conspiracy charges, with the exception of L. Vitellius' denunciation of Junius Blaesus, against whom he acted as *delator*; what the charge was is unclear. Blaesus had been feasting while Vitellius was ill, and the emperor's brother, who hated Blaesus, used this to put a sinister twist on Blaesus' motives, and he was soon put out of the way. There may have been grounds for suspicion, however, since Blaesus had been courted by some prominent members of the Flavian cause (see below, p. 289). The Neronian *delator* Sarioleus Vocula was still undertaking prosecutions under Vitellius as well, but any specifics are lost to us (Tac. *Hist.* 4.41.2). Dio indicates that Vitellius also courted Vibius Crispus as one of the foremost men of the senate, but no prosecution stands to his credit at this time – or afterwards (65.2.3). In addition to Galba, Otho did his best to check delation; indeed, one of the most laudable actions of Otho's life was to destroy documents just before his death in order that Vitellius and his supporters would have no opportunity to incriminate his followers (Tac. *Hist.* 2.48.1).

Among the most notable of the surviving Neronian *delatores* were Vibius Crispus, Aquilius Regulus, and Eprius Marcellus. The last of these, Eprius Marcellus, was a particularly inviting target, and there was no lack of enemies spoiling for a fight. Helvidius Priscus, driven by motives of vengeance, *pietas*, and sheer hatred, made the first move late in 68 (Tac. *Hist.* 4.6.1). What specific charges he introduced against Eprius are by no means certain, and Tacitus gives no clue. Helvidius' prosecution threatened to be very divisive for the senate, and the not insubstantial number of loyalists to Nero's court is betrayed by the fear that, should Priscus prove successful, a host of defendants would fall in Eprius' wake. This, along with Galba's as yet uncertain attitude, forced Priscus to drop his suit for the moment. A second attempt came when the senate sat as a body at Mutina after the first battle of Cremona in April of 69.⁵⁴ Some of Otho's troops were left behind to keep an eye on the senate; meanwhile, reports of Otho's defeat and Vitellius' victory started to trickle in, but the troops refused to give the reports credence and menaced those who did, leaving the senate in an awkward and dangerous position. The soldiers had been commanded to act as informants concerning the various reactions of the senate and individual senators while Otho was away, and this left the senators in a quandary lest they prove dilatory in greeting Vitellius' success with the proper response, and they deliberated over what course of action to take. We have few details, but Tacitus says that on this occasion Eprius delivered an ambiguous speech, and that Licinius Caecina, about whom little is known (he was probably a *novus homo* of praetorian rank, [PIR² L 178]), seized on the occasion as an opportunity to attack Eprius. It was a bold move on Licinius' part (other senators were not as willing to reveal their sentiments). According to Tacitus, a desire to make a name for himself as one who had recently achieved senatorial status motivated Licinius (Tac. *Hist.* 2.53.1). He was ultimately dissuaded,

however, from pressing home his attack, and Eprius was left for Helvidius Priscus, Thrasea Paetus' son-in-law, to take on once more in January of 70.

It was then that the major clash between the Neronian collaborators and their opponents finally came in two vociferous senate meetings.⁵⁵ The first dispute arose when the senate met to confirm Vespasian's *imperium* and to choose an embassy to send to him in the East; out of this discussion a fierce argument arose between Helvidius (who argued that the senate should vote for members of the embassy individually) and Eprius (who wanted the members of the embassy to be chosen by lot). Tacitus states that Eprius was fearful that he would not be chosen for the embassy were it put to a vote, and Helvidius was interested in packing the embassy with men he felt were of good moral character, which could not be ensured were it left to chance. Something of the weakness of the opposition's case comes out in Helvidius' speech, which Tacitus tellingly relates first:⁵⁶ Helvidius' weakest point was his argument for a non-traditional means of selecting an embassy by voting; the normal means was by lot. He argued that it was a matter of Vespasian's honor that the senate send men of sound moral character, a rather disingenuous rationale, since he was quick to slight the new emperor. In addition, at the same meeting Helvidius proposed that, in the restoration of the Capitol, Vespasian should take merely a supporting role, something Tacitus ominously intimates was later used against Helvidius (*Hist.* 4.9.2). The weakness of his position is further betrayed by the implied admission that there was little recourse for retribution: "accusers, even if they ought not to be punished, ought not to be shown off."⁵⁷

Eprius, whose view prevailed, was able to respond with a speech which (as related by Tacitus), perhaps more than any other passage in extant Roman literature, shows the *delator's* collaborationist mindset, but reflects that mindset as one which conceivably was widely shared by his fellow senators. Eprius commenced his speech in a way that could only have irritated an admirer of the Republic such as Helvidius, urging that the lot be used according to ancient example and that the practices of old were by no means obsolete. He followed this up with a point which shrewdly looked back to the previous regime: the one thing that ought to be avoided now was the provocation, by the willfulness of certain men, of a new emperor still trying to gauge the senate's temperament.⁵⁸ His words, while a clear warning to Helvidius, are also a not very oblique attack on the memory of Thrasea and a reminder of the consequences of provocative behavior. Thrasea's behavior had led, in the view of some, to his death and to further tensions between the senate and emperor. As Cossutianus Capito had done with Thrasea before him, Eprius was able to turn Helvidius' traditionalist pose against him to his own advantage.⁵⁹

He remembered the times in which he had been born, what sort of city his fathers and grandfathers had established; he admired the past, but followed the present; sought in prayer good emperors, but endured whatever came along. Thrasea had no more been struck down by his

own oration than by the senate's verdict. He had parried Nero's cruelty through pretenses of this sort, nor had such friendship been any less worrisome to him than exile had for others. Finally, let Helvidius be equaled in his constancy to his Catos and Brutuses: he was just one man from that senate which was servile together ... as with the worst emperors there was tyranny without end, so a limit of liberty, however much, pleased excellent ones.

(Tac. *Hist.* 4.8.2–4)

One could admire the past, but had to be realistic and accept what was long since a *fait accompli*. Eprius' remarks appealed to Roman pragmatism, to the desire and urge of Roman senators to serve in and hold office, to the collective guilt of the senate which had condemned Nero's victims when it sat as a jury and court, to the danger which cast its shadow over the friends as well as enemies of Nero, and to the collective sense of fear and servility to which the senate was hopelessly subjugated (and which was driven, in part, by the ambitions of individual senators) without any real alternative to the system under which it served.⁶⁰ Helvidius espoused an obsolete ideology whose sole purpose was danger and confrontation. More galling still for Helvidius, Marcellus in a sense had usurped and put to use the Stoic ideology espoused by Helvidius and his circle, urging compliance and acceptance even in the face of tyranny. There is no way to know how many actually admired Helvidius or Thrasea, but most will have voted for the condemnation of many of their fellow senators; they will have lived through the same experiences with complexities of emotions similar to those Eprius, not Helvidius, had addressed. Tacitus knew and felt equally complex sentiments, and, as much as he hated Domitian, he appreciated the constraints which forced not only himself, but the entire senate into collaboration, rendering them followers, in a sense, of the emperor's "party" (Tac. *Agr.* 45.1).⁶¹ The very different fates of the two men prove the sagacity of Eprius' point: for him, honors and office, for Helvidius, exile and death.⁶² Indeed, despite Bradley's (1978: 177) reservations, it is not past thinking that Eprius' very opposition to Helvidius may have been rewarded by the new regime. Bradley has argued against this, since Helvidius, he asserts, did not show himself as hostile to Vespasian until early 70. That is not entirely accurate; Helvidius had been hostile to any and every emperor who came along, and his sentiments in the senate could not have sat well with Vespasian, against whom he became an immediate and vocal critic.⁶³

The session concluded with Musonius Rufus' indictment of P. Egnatius Celer, a move motivated by deep resentment and desire to vindicate his friend, Soranus, and one which excited further animosity against Neronian *delatores* and reopened the possibility that Helvidius might yet neutralize Marcellus.⁶⁴ Domitian and Mucianus, Vespasian's minister, presided over the next session of the senate, when Musonius successfully condemned Celer, probably under the *lex Cornelia de sicariis*.⁶⁵ It was to prove a hollow and short-lived victory, one of

the only substantive convictions of a Neronian *delator* to emerge from these debates, and intended as a mere sop to conciliate senatorial opinion, since the new regime was interested in calling a halt to the recriminations.⁶⁶ But the senate smelled blood and went in for the kill. The first move was made by Junius Mauricus, who asked Domitian that the senate be granted permission to examine the imperial records to find out who had acted as *delator* under Nero; Domitian refused, stating that the emperor himself had to be consulted over so important a matter.⁶⁷ Nothing daunted, the foremost members of the senate now drew up an oath which fellow senators were forced to take, swearing that they had imperiled no man's safety under Nero and received no reward or office from any man's misfortune. Known *delatores* who attempted to take the oath were convicted of perjury.⁶⁸ Cestius Severus, Sarioleus Vocula, Nonius Attianus, each fell in their turn never to be heard from again. One, Paccius Africanus, while he was expelled from the senate for perjury, suffered only a temporary setback, for he went on to become proconsul of Africa in 77/8. Paccius' ordeal also revealed, once again, the lengths of Vibius Crispus' audacity, since he subjected Paccius to a particularly harsh line of questioning about his role in the fall of the Scribonii, a prosecution in which Vibius himself had also been involved (Tac. *Hist.* 4.42–43.1; cf. below, pp. 171–2). There were potentially more like Paccius, whom the Flavians preserved as useful allies and administrators despite their collaboration under Nero.⁶⁹

At the same meeting, Curtius Montanus attacked the powerful Aquilius Regulus, who was responsible for the fall of Orfitus and one of the Crassi (see below, p. 171). Curtius will have had good reason to go after one of Nero's instruments, having suffered degradation at the *delatores'* hands during Thrasea's ordeal. To heighten the pathos, Curtius introduced Sulpicia Praetextata, Crassus' widow, and their children into the senate. Tacitus says that Regulus did not speak; instead his brother, Vipstanus Messala, took up his cause, but he was bitterly opposed by Curtius, who assailed Regulus' gruesome attack against the dead Piso, Crassus' brother and Galba's handpicked successor. Regulus had good reason, however, to rejoice at Piso's death, for his succession will have entailed Regulus' almost certain destruction. Curtius portrays Regulus as a true opponent of the senate who was in Nero's pocket, and had even tried to goad Nero into purging the senate at a single blow. It was imperative, urged Curtius, that Regulus' wings be clipped while his power could still be checked, that he not become another Vibius Crispus or Eprius Marcellus (Tac. *Hist.* 4.42.5). Curtius' speech fired the senate's passions, and Helvidius now made yet another move against Eprius Marcellus, though Tacitus does not relate even the gist of what was said. Helvidius' action, however, was almost certainly not in the nature of a prosecution, since the law forbade accusing a man twice for the same offense.⁷⁰ Helvidius' oration nearly succeeded, and Marcellus made to exit the House with Crispus following, hurling a pointed barb: "We are going, Priscus," Eprius said, "and we leave you your senate: rule when Caesar is present." Still, there were enough who supported Eprius to intervene and convince him to stay, but to no

avail; the day was consumed in discord. The “many and the good” were unable to topple the “few and the powerful.” Talent, experience, in the case of Eprius Marcellus, possibly long-standing connections with Vespasian, and for Vibius Crispus perhaps even familial ties to the new dynasty, all these factors ensured the survival of some of the most powerful party men under Nero.⁷¹ It was very probably the same case for Trajan after the death of Nerva, who, like Vespasian, was remembered as a good emperor with bad friends (*HA Serv. Alex.* 65.5).

The wounds ran deep in 70, and the animosities were to play themselves out, in various forms, under the Flavians. For the moment, however, the august body of the senate was consuming itself in mutual recriminations. It was much to the distaste of Nero’s opponents, and no doubt much to the relief of his former supporters, that Domitian and Mucianus intervened at the next meeting. Domitian admonished that the unavoidable necessities of Nero’s reign be forgotten (conveniently forgetting Curtius’ chief point against Regulus, that he had voluntarily undertaken prosecutions), while Mucianus spoke openly on behalf of the *accusatores* (*Tac. Hist.* 4.44.1). Mucianus also issued an appeal to those who were drawing up indictments previously dropped not to pursue them. As a final attempt to appease the senate, Mucianus effected Antistius Sosianus’ exile, although the senate remained unimpressed. His reasons for protecting Neronian *delatores* were possibly political; as Jones (1984a: 87–8) notes, he could have been attempting to amass political power or protection by placating men whose influence made them virtually unassailable. Domitian’s and Mucianus’ actions led Tacitus to lament that the senate at once obtained liberty and relinquished it in the face of opposition. Such liberty, however, was of dubious value at best, as the discordant chaos which came of vendettas and mutual recriminations showed. The same situation was to arise in the immediate aftermath of Domitian’s murder, when denunciations against informers and accusers became so prevalent that the consul Fronto remarked to Nerva that, “it was bad to have an emperor under whom nobody was allowed to do anything, but worse to have one under whom everyone was allowed to do everything” (*Dio* 68.1.3). Disagreeable compromises had to be made, and unpopular administrators kept on.⁷²

Vespasian and Titus

After the senate debates in early 70, we lose Tacitus as a source for the Flavians, and must rely primarily on the sketchy accounts in Pliny, Suetonius, and Dio. We consequently have only the vaguest details concerning senatorial opposition under Vespasian, Titus, and Domitian, and the *delator*’s role in suppressing it. The loss may not be too great as far as the reigns of Vespasian and Titus are concerned. Vespasian, following Galba’s lead, declared a general amnesty for those condemned for *maiestas* during Nero’s rule and in the civil strife after his death; in addition, he put an end to all indictments based on *maiestas* once in power in 70 (*Dio* 66.9.1). This, along with at least a partial punishment of

delatores from Nero's reign (and Vespasian's generally good nature [Tac. *Hist.* 1.50.4]), might explain, in part, why we are left with only one notable prosecution in all of Vespasian's reign, that of Helvidius Priscus around 74. The accusation was prompted by Helvidius Priscus himself, whose want of modesty and political sensibility had already been revealed in the senate debates in 69 and 70 by presuming that the senate would take a more activist role in areas traditionally the prerogative of the emperor, such as the choosing of his *amici* (Tac. *Hist.* 4.7.2–3). Helvidius' want of tact was further apparent when he greeted the emperor by his private name "Vespasianus" upon his return from the East (Suet. *Ves.* 15). The offenses grew increasingly acute and included imitating Thræsea's frankness, sometimes in an untimely matter, such as when, as praetor, Helvidius omitted the emperor's name from his edicts and abused him relentlessly until the tribunes were compelled to arrest him.⁷³ Vespasian's most famous confrontation with Helvidius was during a senate meeting when Helvidius was praetor. Helvidius heckled Vespasian to the point of tears, and the emperor left the Curia exclaiming that his sons would succeed him or no one (Dio 66.12.1). Nor was that necessarily the only confrontation between Helvidius and Vespasian; Epictetus (i.e. Arrian) reports an exchange between the two in which Vespasian requested Helvidius' compliance without much success.⁷⁴ Vespasian subsequently banished him, and Helvidius was later executed; of the trial almost nothing is known, though the *disiecta membra* scattered about our sources do allow for some plausible conjectures.

The first question is under what charge was Helvidius tried? One possibility is a trial on conspiracy charges for trying to curry favor with the urban plebs, which was the exclusive province of the emperor.⁷⁵ Dio states that Helvidius gathered various men around him to stir up the multitude with a view to revolution (Dio 66.12.2–3), and adds that Helvidius was constantly denouncing kingship and praising democracy. Contrary to Brunt, Dio's assertion is entirely plausible, if we take Dio's allusion to *demokratia* to refer really to Helvidius' "republicanism," and if we consider Helvidius' temperament and character.⁷⁶ Such a charge would also be in keeping with the general expulsion of "philosophers" (with the axe falling particularly hard on the Stoics) in the early 70s, which could refer to the intellectual leadership within Helvidius' circle.⁷⁷ An alternative (or additional) reason for Helvidius' fall could have been his opposition to Titus' succession – something that will not have pleased Titus (invested with *imperium* in 71) and, as already remarked, did not please Vespasian.⁷⁸ It was this, it appears, that was at issue when Helvidius' diatribe drove the princeps in tears from the senate. Moreover, given what we know from Tacitus and Dio concerning Helvidius' political beliefs, which asserted senatorial over imperial authority, opposition to the succession will have been an implicit part of his ideology; as such, he could not help but make powerful enemies. The final possibility is a trial under the *lex Cornelia de iniuriis* for his verbal abuse of Vespasian or his *amici*. Dio says that Vespasian hated Helvidius, not on account of the attacks against him, but those against his friends

(66.12.2), and we know that Mucianus, for one, was offended by what was being said about him in philosophic (and specifically Stoic) circles. It was Mucianus who finally convinced Vespasian to undertake a general expulsion of philosophers early in his reign (Dio 66.12.1–13.3). It could have been in this context that Helvidius' prosecution took place. The likes of Eprius Marcellus almost certainly will have been included in Helvidius' attacks; as one scholar has noted, the very presence of Thræsea Paetus' accuser not only within the imperial administration, but as an *amicus principis*, could only have exacerbated Helvidius' opposition against the court.⁷⁹ One or any combination of these factors could have motivated a prosecution against Helvidius.

Considering the above alternatives, the *delator* could be any number of suspects: Eprius Marcellus and Titus have both been seen lurking behind his prosecution, and it seems that Mucianus, given the injuries he suffered at the hands of the Stoics, should be added as well. The most likely candidate, however, as Syme has noted, remains Eprius Marcellus.⁸⁰ Consul in 74, he would be a natural choice for prosecuting the case, and will have had good grounds for doing so, given Helvidius' attempts to break him during the debates of 69 and 70. Another possible indicator of Marcellus' role in Helvidius' fall is found in Tacitus' *Dialogus*, where M. Aper refers to a recent (*nuper*) confrontation in which Marcellus proved himself superior – though the remark could refer to the confrontation of 70 related in the *Historiae*. If Helvidius' trial and prosecution is shrouded in mystery, still more is his banishment and execution. Suetonius says that Vespasian banished Priscus and later ordered his execution, but then repented and sent orders to countermand the sentence to no avail (*Ves.* 15). He would have saved him – but a false report came that Helvidius had already been put to death. Bauman (1974: 158–9) has considered what is behind the confused presentation in Suetonius and offers the attractive suggestion that Vespasian was not behind the execution (he reportedly put no senator to death), but Titus, who will have had a personal grudge against Helvidius as a partisan opponent against his succession. Whoever the *delator* ultimately was and whatever Helvidius' offense, his prosecution does not evoke much indignation from our sources. Suetonius, for one, does not appear to approve of Helvidius entirely (*Ves.* 15), and neither does Tacitus (*Hist.* 4.6.1; cf. *Agr.* 42.4), while Dio (66.13.3) is virtually of the opinion that Helvidius “had it coming.” But Helvidius had no choice: his death may have been very much on Tacitus' mind when he chastised those seeking fame “through an ostentatious death, but one useless to the state.” There was, however, more to it than that: protégé, pupil, and son-in-law of Thræsea Paetus, *pietas* demanded that he seek vengeance for Thræsea's death. With Vespasian, who had welcomed the likes of Vibius Crispus and Eprius Marcellus into his counsels and honored them with his *amicitia*, there could be no accommodation. The feud between the emperors and the survivors of Thræsea and Priscus continued, and members of their circle were to become cannon fodder for the Domitianic *delatores*.

There may have been consequences from Helvidius' fall, however, which were more immediate. Sometime in 75 or 76, Curiatius Maternus gave a reading of a tragedy whose subject was Cato, a central figure, as already noted, within the Stoic opposition. His reading supposedly had offended some powerful members of the court, but despite the entreaties of his friends, he rejected their pleas for self-censorship, assuming the same deliberately provocative pose as Helvidius.⁸¹ Their entreaties merely elicited Maternus' defiant reply that if his *Cato* had left anything unsaid he would say it in his *Thyestes*. The facts surrounding Maternus' end are entirely lost, though some sort of charge, followed by exile or death, is not difficult to suppose. Maternus had taken in hand a controversial topic that clearly had already landed him in trouble. Moreover, Maternus could well have been guilty of the same crime as Thræsea, desertion of public duties, and Aper's arguments in the *Dialogus*' opening chapters on behalf of oratory surely imply reproach against Maternus' abandoning of his clients, something which may have been subject to legal action.⁸² If he did indeed face such a charge under the Flavians, he was certainly not alone; Herennius Senecio was charged with a similar offense, and there were probably others.⁸³ While we agree with Levick's (1999: 89) assertion that the evidence for a court case is virtually non-existent, there is no reason to dismiss entirely the possibility of an end other than a natural one for Maternus. Indeed, on the whole, the work seems too rich in foreboding and irony, as Cameron and others have noted, for Maternus simply to have died a natural death. Since that is the case, the above scenario stands, I believe, as a plausible conjecture (though only that) for the process through which Maternus might have met his end.

The opening of Titus' reign poses a problem for that of his predecessor. Sources indicate that, with the notable exception of Helvidius, delation receded under Vespasian.⁸⁴ Yet Titus was said to have punished *delatores*. The contradiction is not insurmountable. Suetonius could have in mind the opening of Titus' reign as well as the conclusion of Vespasian's. The fall of Eprius Marcellus took place in the early summer of 79 and it could be that further punishments of Neronian *delatores*, rescued by Mucianus' intervention in 70, followed early in Titus' short reign (see below, pp. 173–4).

Domitian

Our sources indicate that there was much in the nature of senatorial opposition in Domitian's reign; however, most of it did not occur until late in his tenure. Few of the cases are documented, none of them well. Initially, Domitian was said to have checked delation, and with few exceptions succeeded in putting the reins on *delatores* in this sphere until 93 (Suet. *Dom.* 8.1; Dio 67.1.4). Dio (67.3.3) says that numerous accusations were lodged in the wake of the condemnation in 83 of the Vestal Virgin Cornelia (Mettius Carus was probably the accuser), but he is short on specifics. There were only a few isolated

incidents outside the circle of Domitian's main senatorial opponents who were prosecuted, such as Hermogenes of Taurus, purportedly executed for writing verses against the emperor and the foremost men of the state (*primores civitatis*).⁸⁵ Within the senate there are only a very few prosecutions about which anything is known. They include that of L. Aelius Lamia Plautius Aelianus, prosecuted, like Hermogenes, for writing libelous verse, and Civica Cerealis in 89, whose prosecution was possibly associated with the revolt of Saturninus; but for these, as for so many other cases, we are woefully uninformed, and there may not have even been a prosecution in the case of Civica Cerealis.⁸⁶ We have no details concerning the *delatores* who prosecuted, according to Dio (67.12.1), numerous wealthy individuals for adultery, but we can guess that Domitian will have certainly viewed such transgressions as in the nature of opposition to his moral reforms.⁸⁷

In 89 came Antonius Saturninus' revolt in Germany; as Jones notes, scholars have been inclined to see a change for the worse in Domitian after this point, but prosecutions, in fact, were not to pick up for another four years. Dio indeed indicates that large numbers were executed in the wake of the rebellion, but this could simply refer to the ringleaders in Saturninus' army (67.11.2). Jones has further (and convincingly) argued that senatorial support for Saturninus appears, for the most part, to be absent.⁸⁸ A large body of evidence for such support, however, could have been lost immediately after the revolt, when Lucius Maximus, who put down the uprising, reportedly burned all the papers found in Saturninus' chest (at great risk to himself) with the express purpose of preventing prosecutions (Dio 67.11.2). Again, Jones (1992: 148–9) makes two further significant observations concerning this episode: first, Pliny never refers to any mass execution of senators – either in the wake of Saturninus or at any other point in Domitian's reign – something we could scarcely expect him to keep silent. Second, Saturninus' revolt did not prevent Domitian from promoting even those such as Helvidius Priscus the Younger, with potentially long-standing family grudges against the *principes*.⁸⁹

When the time finally did come to deploy *delatores* against his political opponents in the senate, Domitian had no want of experience on which to draw. Seasoned loyalists made up Domitian's court and advisors, and included Fabricius Veiento, Pompeius Silvanus, Catullus Messalinus, and Vibius Crispus; in addition there was the experience of Aquilius Regulus on which he could depend, and the services of Mettius Carus and Baebius Massa. Prior to 93, however, we have little knowledge of their activities, and of those mentioned only four were definitely active after 93, Catullus, Carus, Massa, and Regulus. Of these, only Carus and Regulus can be tied to any specific prosecutions. After 93, what we find is a renewal of the opposition such as that found towards the end of Nero's reign, with the "Stoics" in the forefront, and it is the prosecution of its members shortly after August 93, including Junius Mauricus, Q. Junius Arulenus Rusticus (Mauricus' brother), and Herennius Senecio, that Tacitus famously deplores in the *Agricola*'s conclusion.⁹⁰ Although a number of

accusations, executions, and banishments did take place at this time, a list of victims has been compiled and discussed by Jones, who is right to assert that it scarcely counts as a “reign of terror.”⁹¹ Of the nearly twenty victims Jones lists, however, only a handful of trials – those of Herennius Senecio, Arulenus Rusticus, Fannia, Helvidius Priscus the Younger, Junius Mauricus, and Salvidienus Orfitus – have details which allow for any conjecture concerning the charge or the identity of the *delator*; and the chronology of the cases is almost impossible to retrieve.⁹² All of the named individuals formed a political group bound by familial ties (and, only secondarily, Stoic sympathies), and, in the case of Rusticus, Fannia, and Helvidius, also had inherited enmities against the imperial house.

The first of the prosecutions was Mettius Carus’ of Herennius Senecio. In 93 both Herennius Senecio and Pliny were acting jointly as prosecutors against Baebius Massa for maladministration in Baetica, Herennius’ place of origin.⁹³ Sherwin-White (1966: 444–5) conjectures that the charge against Massa will have been an aggravated form of extortion (*cum saevitia*) since there was allowance for a provincial *inquisitio*. Baebius was condemned, and his property appropriated by the authorities in order to make reparations to the provincials; Herennius approached the consuls with an order to secure the safety of Baebius’ goods while in public custody. Baebius promptly accused Herennius of being motivated by malice and lodged a charge of *impietas* against him. The basis of Baebius’ charge has been discussed by both Sherwin-White and Bauman. Sherwin-White has argued that the *impietas* charge was based on a breach of Herennius’ duties to his clients, the Baeticans, whom Herennius, as their defending attorney, was sworn to protect, but as Bauman notes, this is almost certainly incorrect. The move on Herennius’ part to sequester Baebius’ property shows quite the opposite – Herennius was in fact out to protect his clients’ property and Baebius took offense.⁹⁴ Herennius, by his very approach to the consuls, was implying that either Baebius or the magistrates by whom the property had been sequestered could not be trusted, and this constituted defamation against either Baebius or the magistrates on the part of Herennius; Baebius therefore lodged a complaint. But Pliny countered that Baebius, by not charging him, implied that Pliny himself was guilty of not protecting his clients’ interests, hence guilty of collusion (*praevaricatio*) with the defense; as Bauman (1974: 33) notes, it was a brilliant move on Pliny’s part and won general approval, since it threatened a counter-charge against Baebius, and forced him to drop his suit. Baebius was convicted, but soon afterwards Mettius Carus undertook his prosecution of Herennius.⁹⁵ What, if any connection there was between Herennius’ (and Pliny’s) prosecution of Baebius, Baebius’ charge of *impietas*, and Mettius Carus’ ultimate prosecution is uncertain. We are only able to identify Mettius Carus as the *delator* in the case against Herennius based on an exchange in one of Pliny’s letters, where he tells us that Regulus took to abusing Herennius so violently after his death that Mettius replied, “What have you to do with my dead men? Surely I am not troublesome because of Crassus or

Camerinus?"⁹⁶ We are, however, very much in the dark concerning the nature of this case. One of the charges was that Herennius had written a life of Helvidius Priscus the Elder.⁹⁷ The subject of his biography could have done his case little good, and will have openly paraded his sympathies.⁹⁸ Mettius was also one of the prosecutors of Fannia, Thræsea Paetus' daughter and Helvidius Priscus' widow. She was charged with lending Herennius her husband's notebooks (*commentarii*), for which she was condemned and exiled. Other aspects of Herennius' life and allegiances could not have put him in good standing at court. There may have been a family connection between Herennius and Fannia; Herennius Pollio, possibly a Baetican by origin like Senecio, was Helvidius' son-in-law.⁹⁹ According to Dio, however, the charge that appeared to have carried the greatest weight was retirement (*secessio*), since Herennius had stood for no office after the quaestorship; as noted above (p. 117), neglect of *munia publica* was conceivably used to great effect against Thræsea Paetus, and it was possibly pressed into service here once more.¹⁰⁰ Desertion of public duty, a biography of a Stoic martyr (who had been an implacable critic of Domitian's father), possible family connections and close ties to the emperor's enemies – Herennius had cast his lot with the wrong crowd and won fame as a noted victim of Domitian.

Arulenus Rusticus was another member of the same circle to fall victim to Domitian, though the *delator* who prosecuted the case stands in the realm of conjecture. Concerning the prosecution Pliny makes the following (vague) statement (*Ep.* 1.5.1–3): "[Regulus] had kept alive (*foverat*) Arulenus Rusticus' peril and rejoiced exceedingly in his death." Now Pliny's statement can be interpreted a number of ways. The verb *foverat* could mean that Regulus acted as a *subscriber* in the case, supporting the accusation. It could simply mean, however, that he took sides in the case in a very public manner, and we certainly know that Regulus paraded his contempt for Rusticus by composing a pamphlet denouncing him. One thing that argues for Regulus' possible involvement in the case in an official capacity is yet another vague anecdote Pliny relates: after Domitian's assassination Pliny was considering prosecuting Regulus, but had to await Junius Mauricus' return from exile before making his decision. If Regulus had prosecuted Rusticus, Pliny might have wanted to consult with Rusticus' brother – who would have first shot at Regulus – before making his next move. Moreover, while Regulus' power could have been somewhat neutralized under Domitian – and Carus refers to his victims under Nero and no others – he still is found prosecuting Arrionilla, who could have had some connection with Arulenus Rusticus' circle. There is also reason, albeit less compelling, to think that Mettius Carus acted as prosecutor in the case. Working in Carus' favor is Pliny's statement that, in addition to attacking Rusticus, Regulus took to attacking Herennius as well, and this elicited the response from Carus noted above, "What are my dead men to you?" This could well mean, given Carus' use of the plural in his rejoinder, that Carus had prosecuted Rusticus as well as Herennius, although the greater weight of

evidence appears to be on Regulus' side. What was Rusticus' offense?¹⁰¹ Rusticus was a member of the political group which clustered around the family and friends of (the now martyred) Thrasea Paetus and Helvidius Priscus, although this did not prevent Domitian from granting him, and Rusticus from accepting, a suffect consulship in 92. According to Dio and Tacitus, Rusticus had written a life of Thrasea Paetus (and in fact had been his follower); Suetonius mistakenly adds that he had written a life of Helvidius, but he is probably correct to note that his biography of Paetus was in the nature of a funeral eulogy (*laus*, cf. Tac. Agr. 2.1). No other charges or offenses can be detected on the part of Rusticus, and without further evidence, as Jones (1992: 123) notes, we can only conclude that Domitian – who ordered Rusticus' work burned – was becoming increasingly unable to cope with criticism.¹⁰² The penalty of the burning of Rusticus' works for this seemingly minor offense, however, had precedent, looking back to the case of T. Labienus under Augustus; this assumes, however, that there were no further charges appended, and this is not necessarily the case. Bauman (1974: 161–2) has noted that Suetonius adds the detail that the works on Helvidius and Thrasea praised both as “most sacred” (*sanctissimi*), which could have represented a potential encroachment on the emperor's province as well as constituting defamation, though this cannot be certain. It is important to keep in mind, though, that Helvidius the Elder and Vespasian were enemies. It is a short leap for us to appreciate what Thrasea, Helvidius' father-in-law and tutor in opposition, represented to the Flavians. An element of family enmity in composing such works – and in suppressing them and prosecuting their authors – is surely at play in Herennius' and Rusticus' fall.

As for Rusticus' brother, Junius Mauricus, the identity of his accuser is also open to conjecture, but no more than that.¹⁰³ Like Arulenus and Helvidius, he too may have been honored with a consulship.¹⁰⁴ As noted earlier, Pliny was awaiting Mauricus' return from exile before settling on Regulus as a target for prosecution; it could have been that Regulus had a hand in Mauricus' prosecution, and the enmity between the two was scarcely concealed. Mauricus was, after all, the one who had proposed in 70 that the imperial court records be made public, possibly as part of a preliminary move against Regulus. Telling against Regulus as the prosecutor, however, is the fact that it is Baebius Massa, Mettius Carus, and Catullus Messalinus whom Tacitus mentions in conjunction with the prosecutions of Helvidius Priscus the Younger, Herennius Senecio, and Junius Mauricus. Of Mauricus' offense there is not even a hint; tried in the senate, his punishment was less severe than that of his brother, Rusticus, for he was merely exiled.

Helvidius Priscus the Younger, son of the Stoic dissident executed by Vespasian, was another victim for whom we can at least conjecture the identity of the *delator*. The younger Helvidius' offense, according to Suetonius, was that he had written a play whose subject was Paris and Oenone, through whom he allegedly censured Domitian's divorce from his wife.¹⁰⁵ Jones argues that certain

immediately apparent parallels will have given offense: Oenone was Paris' first wife whom he deserted for Helen; Paris will have brought to mind Domitian, Helen Julia (his mistress), and Oenone Domitia (his wife). Helvidius' ultimate penalty was execution. Now as noted, the name of the *delator* is lost; however, since Fannia was Helvidius' mother, it is not past thinking that Mettius Carus (Fannia's prosecutor) will have been one of Helvidius' accusers as well, and his name is one of the three mentioned in conjunction with Helvidius at the end of the *Agricola*, for what it is worth. Publicius Certus, while he certainly was not the main *accusator* in the case, may well have acted as *subscriptor*. This makes sense given Pliny's attack in 97 against Certus, which will have preceded Nerva's calling a halt to the numerous accusations against Domitianic *delatores*.¹⁰⁶ Otherwise Pliny would never have stood the chance of a successful outcome in his case against Certus. Moreover, when Pliny did make his move against Certus, Domitian's former supporters, including one other possible *delator*, Fabricius Veiento, rallied to support Certus, and it is very likely (though not stated for certain) that Arria and Fannia, on whose behalf Pliny purported to be attacking Certus, were present in the senate. On the other hand, Pliny speaks of Certus' role as *iudex* (judge) in the case, and this, arguably, could simply refer to his role as a senator sitting as a judge, as all the other senators had (though given Pliny's attempt to prosecute Publicius this is unlikely).¹⁰⁷ As to the motives which moved Domitian to prosecution and Helvidius to opposition (if indeed Helvidius intended his action as such): Helvidius will have had little sympathy for the Flavian court, given the fate of his father, and, if offense was intended, it will almost certainly have been driven by reasons of both personal enmity and *pietas* towards his father. On Domitian's side, in light of his strict moral program, his sensitivity to criticism, and the honors he himself bestowed on Helvidius (possibly in an attempt to neutralize the animosity he potentially harbored due to his father's execution), it is little wonder that Helvidius' fate was harsh. Helvidius' opposition may have been viewed as a breach of *fides* in light of the *beneficium* (in the form of high office) bestowed upon him by his patron the emperor.

Beyond the "Stoic" opposition only two other cases allow some form of conjecture concerning the identity of the *delator*, both possibly involving Helvidius' political circle, although the evidence is circumstantial; Regulus' hand is certainly at work in the first case and possibly the second as well. The first is that of Arrionilla's in which Regulus was prosecutor.¹⁰⁸ The case (brought up on an unknown charge) was tried in the centumviral court, but it was almost certainly connected with the general prosecution of the circle of Arulenus, Helvidius, and company: Arulenus had asked for Pliny's assistance in Arrionilla's defense, and the name Arrionilla, as Sherwin-White has noted, almost certainly suggests a connection with Thræsea's family.¹⁰⁹ One more individual who potentially fell prey to Regulus was Ser. Cornelius (Scipio) Salvidienus Orfitus.¹¹⁰ He is recorded in Suetonius (*Dom.* 10.2) as plotting revolution along with Acilius Glabrio. His father had been executed under

Nero for the same offense, and Regulus was his prosecutor. In addition, according to Philostratus, he was apathetic in his pursuit of public office, which, as noted, could constitute a serious offense. To top it all off, there was talk about Orfitus as a candidate worthy of the purple (Philostr. VA 7.8), as well as an inherited enmity against the *principes*. The demands of filial *pietas* will have made his presence most dangerous to Regulus as well, and Regulus would have had the most to gain by his removal as a prosecutor of Orfitus' house under Nero.

Domitian had done his best to neutralize his opponents. Rusticus, Mauricus, Helvidius, Mettius, and Orfitus all had two things in common: they were all consulars and they all were subsequently opponents of the court.¹¹¹ Of these, only the charges against Mauricus and Helvidius possibly turned only on matters of free expression, although as noted, more was at work, including family rivalry and enmity. The case against the others almost certainly entailed more. Of all the emperors from 14 to 96, we are in many ways relatively less informed about prosecutions under Domitian than any other under whom *delatores* were active. The problem of just how poorly our sources document Domitian's reign is highlighted by the numerous names of *delatores* that come down to us from this period, but to whom no specific prosecution can be attributed: Aquilius Regulus, Catullus Messalinus, Baebius Massa, Armillatus, Latinus, Palfurius Sura, Pompeius (Silvanus?), possibly Fabricius Veiento, Licinianus Norbanus, and Publicius Certus. Out of this morass Mettius Carus and Regulus alone emerge as two about whom anything can be stated with any certainty, and only in two cases at that. When accusations were allowed to proceed, however, Domitian might have had good reason to permit them, and the opposition was potentially more partisan than our sources allow. This is not to deny that in the final few years of his reign *delatores* could and did make their presence felt. Pliny states for example that, as under Gaius and Nero, *delatores* were present at gladiatorial contests to spy on the reaction of the senatorial audience; Pliny, however, can give us nothing more specific, and there is no mention elsewhere in our sources that anyone fell prey to Domitian in such a context (*Pan.* 33–4). The other references Pliny makes to the prevalence of *delatores* under Domitian likely do not concern senatorial opposition, with the obvious exception of his reference to *maiestas*, a charge he says enriched the treasury (*Pan.* 42.1).¹¹² What might speak more to the repressive atmosphere of Domitian's reign is Tacitus' delay in writing the biography of his father-in-law Agricola and turning to history in general, although there could have been other considerations for Tacitus in putting off turning to historical writing.¹¹³

Conclusion

We must surely doubt Pliny's comparison of Domitian's reign to the Sullan proscriptions.¹¹⁴ It is dubious whether they constituted anywhere near as treacherous a phenomenon as the proscriptions of the Late Republic, with the

oversight of informants such as Chrysogonus. Under Tiberius *delatores* were relatively unsuccessful in prosecuting senators for individual acts of opposition; it was the burden of the *delator* to prove an act of opposition or resistance, and they were none too successful. It was only with the rise of Sejanus in the late 20s, and after his fall, that we see any sort of “concentration” of opposition. Yet even then, the prosecutions were relatively brief and narrow in scope, and Tiberius did at times intervene to limit them; those who went too far, such as Abudius Ruso, were punished. While little can be retrieved from Gaius’ rule, Claudius and Nero, for most of their reigns, refused to accept the charges of *delatores* against individuals, and those instances in which prosecutions of this sort did take place are isolated and few. It is only towards the end of Nero’s reign that the activities of *delatores* began to accelerate – understandably – in the wake of Piso’s conspiracy in 65. It was, moreover, only with Claudius and Nero that any sort of “factional” opposition in the senate began to emerge from the shadows and to take on a recognizable shape as family alliances and inherited enmities began to solidify. Hence, greater success may have been scored by *delatores* under a Domitian than a Tiberius, as they moved to exploit those enmities which had now sown themselves into the political fabric of imperial life. The primary difficulty which hinders our understanding of these cases is the often blurry presentation of our sources, which frequently must force us to sit on the fence concerning the true nature of many, if not most, of those prosecutions conducted against senatorial opponents in the Early Principate. In addition, given the sometimes willful distortion and exaggeration of our sources, we must maintain a skeptical (some might say cynical) view. In an effort to impugn the early emperors they are often wont to call into question the legitimacy of the laws on which imperial authority rests, and what better way to accomplish such delegitimization than to call into question the legality of the enforcers of the laws themselves?

Many of the motives, moreover, which drove prosecution in the Republic are detectable behind *delationes* against “opponents” of the court, and continued to motivate *delatores* during the Principate: personal enmity and revenge, *pietas*, *fides* and personal alliances, desire for fame and to make a name for oneself, all of these continued to play a role in prosecution during the Principate, and are particularly detectable in the prosecutions that ranged certain senators against the princeps, and *vice versa*. It is rare when our sources admit to the deeper underlying motives influencing *delatores*, preferring to attribute their activities to the cruelty of the princeps – even where the princeps’ hand is demonstrably absent. The deeper cultural considerations informing the activities of *delatores* have generally been glossed over by our sources. Yet one suspects that the likes of a Cossutianus Capito or Aquilius Regulus understood them all too well.

THE DOMUS PRINCIPIS

Delatores and factionalism in the imperial family

And Tiberius admonished Agrippina after he had grabbed her, that she not have hurt feelings because she was not queen.

(Tacitus, *Annales* 4.52.6)

Opposition against the princeps existed not only in the senate, but within the imperial house as well. This was a very different type of “opposition” from that which came from individual senators or small groups of opponents. This type of opposition could and did entail disputes over the succession or influence at court; its source was often the need to check and neutralize potential rivals, particularly those with connections to the imperial family. *Delatores* were inevitably drawn into the ensuing prosecutions which rivals used in their conflicts. In addition, members of the senate were occasionally attacked as the backers of one side or another in imperial domestic disputes.¹ Prosecutions of this sort are particularly in evidence during the reigns of Tiberius, Claudius, and Nero and the *delator*’s role in this context is well attested. Concerning the principates of Gaius and the Flavians, we are much less well informed. Of the three major categories of opposition we shall have considered in this study, it should be noted that that which embroiled members of the imperial family and their supporters was of a sort which was, for the most part, unique to the Principate. That domestic disputes could reach such a level under the Republic is unthinkable; the state was now the property of a single ruling house and the stakes were raised for the members of that house, who sought support from other powerful or influential individuals both within and outside of it.

Tiberius

We have almost no clue concerning the role *delatores* played in the domestic rivalries and conspiracies that touched Augustus’ house, although it is likely that they were active under him.² It is, however, only with the fall of Julia the Younger, Augustus’ granddaughter, and the attendant destruction of the poet Ovid, that any clue comes to light about the possible role the *delator* had in

Julia's and Ovid's denunciation in AD 8, and even then the *delator's* identity is completely lost. Ovid's exile, with the circumstances surrounding it and the reasons for it, is one of antiquity's most discussed problems, and we are concerned here only with the *delator's* possible role.³ Unfortunately we have almost no details of Ovid's alleged transgression, but he appears to have become embroiled in a serious domestic dispute which involved members of the imperial house and which would have affected Augustus' arrangements for the succession. The poet himself tells us that his actions were not a crime, not treasonable, and concerned nothing he had said; it touched, rather, on something he saw, which he then made known, but what that was is past recovery.⁴ His reference to his "poem and mistake" (*carmen et error*, Tr. 2.207) is well known, but in addition Ovid also tells us that he was charged with being "a teacher of filthy adultery" (*obscæni doctor adulterii*, Tr. 2.212). There was no trial for Ovid, no prosecution in the senate, simply a denunciation followed by banishment.⁵ It seems very likely that the *delator* was someone close to Ovid, and that slaves within his own household also denounced him (Tr. 4.10.99–101).⁶ After his exile, personal enemies, out of spite according to Ovid, continued to denounce him with a view to keeping his transgression fresh in Augustus' mind, something which would appear to indicate that the *delator* was a high-ranking individual at court.⁷ Now this episode is admittedly nebulous, but it serves as a precursor to the reigns of those emperors in which the *delator* became increasingly involved in domestic disputes and served the interests of a given faction at court. The stakes, in this instance, could have been very high, concerning Augustus' plans for succession, something about which emperors were very sensitive indeed (see e.g. above, p. 127). As such, the *delator* played an important role in meeting Julia's challenge at court which, in this instance, involved the fall of one of Rome's foremost poets, who, it is worth noting, was never recalled even by Augustus' successor.

We have a much clearer and detailed picture of the *delator's* place in the domestic struggles in Tiberius' household. To appreciate the *delator's* role fully, some discussion is necessary concerning the nature of opposition within Tiberius' own family. In the first two-thirds of his reign that opposition came from Germanicus' wife (and after 19 his widow), Agrippina the Elder. Not every scholar, however, is agreed on the extent of the threat, if any, Agrippina posed to Tiberius, and consequently the nature of inter-familial opposition at Tiberius' court remains controversial.⁸ The question for us first, then, is what kind of threat, if any, did Agrippina pose? By all ancient accounts, the reign of Tiberius from the start was threatened by factional disputes within the house.⁹ The concerns Tacitus reports about the tensions between Tiberius' and Germanicus' families were expressed even before Augustus had breathed his last – although these concerns, arguably, could have been expressed in hindsight.¹⁰ Throughout this dispute, Agrippina stands at the forefront, making constant attempts to curry popular favor and repeatedly reminding others of her family's heritage. In recounting the mutinies of 14, Tacitus introduces Germanicus and Agrippina as

virtually an opposing camp to Tiberius and Livia, their civility (*comitas*) and devotion to *libertas* in direct opposition to Tiberius' arrogance and secrecy (*Ann.* 1.33.3–5). Yet even at this early stage in Tacitus' account, there are signs in Agrippina's temperament and character of an excessively emotional and combative spirit (*paulo commotior, indomitum animum*); she also took great pride in her illustrious lineage (*Ann.* 2.75.1). The first words Tacitus attributes to Agrippina (during the Rhine mutinies in 14) are a reminder to her husband that she was the granddaughter of the divine Augustus; a strong-willed personality, she showed herself an effective leader in evoking the pity of the mutinous troops – in stark contrast to her inept husband (*Ann.* 1.40.3–4).¹¹ Indeed, it was arguably Agrippina's popularity, her descent, and her children, which put a stop to the mutinies. Hence, in a climactic moment, the soldiers reportedly were recalled to their senses at the sight of Agrippina's departure; the sight of the daughter of Agrippa, granddaughter of Augustus, a woman remarkable for her fecundity, put the mutinous soldiers to shame.¹² When the soldiers returned from Germany after campaigning with her husband, she greeted them at the bridge over the Rhine, bestowing largesse, tending the wounded, and currying favor by parading her son, Gaius; Tacitus says her actions sank deep into Tiberius' mind.¹³ While Tacitus' remark about Tiberius' resentment could well be an interpretation superimposed on this occasion in light of the subsequent clash between the two, it is worth noting that the commanders of the legions in Germany and their loyalty were always a serious concern to any emperor. It is perfectly plausible then that even early on the activities of Germanicus and Agrippina will have caused Tiberius some concern, especially in light of the rebellious attitude of the armies.¹⁴ Less than five years later Plancina, wife of Cn. Calpurnius Piso, governor of Syria, was in fact accused of actions similar to Agrippina's in Germany (i.e. currying favor with the troops) and was only saved by Livia's intervention. Tacitus puts a considerably darker twist on Plancina's courting of the legions (though Syria's numbered only four to Germany's eight), despite the fact that she stood at a greater distance from any claim to power.¹⁵ By 17, if we can believe Tacitus, the court had openly split into rival factions, with popular support for Germanicus and his family juxtaposed against Tiberius, his mother Livia, his son Drusus, and his wife Livilla (*Tac. Ann.* 2.43.5). In this conflict, one suspects that Agrippina, as had been the case during the Rhine mutiny, was always quick to point out her superior background (as Augustus' granddaughter, while Drusus' wife was Augustus' grand-niece), to court popular favor, and to keep her family in the public eye (*Tac. Ann.* 2.43.6–7). No doubt adding to the animosity between Agrippina and the imperial house was her acceptance of divine honors when she was detained at Mytilene to give birth to a daughter, Julia (*Tac. Ann.* 2.54.1).¹⁶ Perhaps most telling of all for Agrippina's character, if not ambitions, are Germanicus' last words to her on his deathbed, where, after imploring revenge, he begs her to put aside her harsh spirit (*exueret ferociam*), and not to involve herself in a competition for power.¹⁷ In addition to her own character,

there is the well-attested popularity of Germanicus himself, which she could conceivably exploit, even after his death.¹⁸ The adulation by the mob during Germanicus' funeral and the hailing of Agrippina as the one true descendant of Augustus could not have helped her standing at court (Tac. *Ann.* 3.4.3).¹⁹ Possessing an indomitable spirit, proud of her direct relationship to Augustus, and enjoying wide popular support, none of this could have sat well with the immediate members of Tiberius' family. Add into the bargain that Agrippina surely must have felt some resentment at the treatment of her mother, Julia, at the hands of Tiberius, and been deeply suspicious about the death of her brother, Agrippa Postumus. She will have been no friend to those who had been party to the persecution of her family, while members of Tiberius' family had good reason to fear Agrippina and her offspring as the direct descendants of the divine Augustus. They will have posed a threat to Tiberius and his family, though one that will have only become more evident and suspicious as his reign progressed.²⁰

Set against all of these considerations, however, is the simple fact that, while Agrippina disappears from view for several years after Germanicus' death, her children continued to prosper despite the likelihood that she was personally unpopular with the Claudian side of the court.²¹ Tiberius' son Drusus was the only viable successor to Tiberius after Germanicus' death; were he to die, then rule would no doubt have reverted to one of Agrippina's sons, Nero or Drusus. There had only recently been male issues to Drusus and his wife, Livilla, Germanicus Caesar, in 19, who died in 23, and Gemellus, also born in 19, who was only a toddler. Yet the competition that no doubt took place between Agrippina and Livia and Livilla surely must have affected the atmosphere at court, since Livilla, Drusus' wife, will have desired to protect (and promote) the claims of her husband and children against those of Agrippina and her family.

Starting in 23, Sejanus begins to loom large over the scene.²² The death of Drusus, Tiberius' son, now propelled Agrippina's two sons, Nero and Drusus, to the forefront. The Julians were gaining ascendancy over the Claudians, and it was now that Sejanus started to exploit Livia's and Livilla's animosities against Agrippina. This was no difficult task. As Barrett (1996: 33) has noted, Agrippina was zealous in securing the rights of her two sons, inevitably raising concerns of the two women who would want to see Gemellus succeed. Sejanus convinced both to play upon Tiberius' fears of her popularity and her vicarious ambitions, which were playing themselves out through her children, to raise Tiberius' own suspicions concerning Agrippina's claims to power (Tac. *Ann.* 4.12.2–5). Certain of Agrippina's acquaintances were also solicited to entice her into indiscreet behavior (Tac. *Ann.* 4.12.5–7). In 24 the pontiffs included the names of two of her children, Drusus and Nero, in the offerings of prayers and vows on behalf of the safety of the emperor, a move which offended Tiberius (Tac. *Ann.* 4.17.1–2). Tacitus says that their names were included out of sycophancy, but states that Tiberius suspected Agrippina's intercession (or threats), though any involvement by Agrippina appears unlikely; Tiberius

halted any future inclusion of their names in the annual vows (*Ann.* 4.17.2–3). According to Tacitus, it was Sejanus spearheading Tiberius' actions, denouncing Agrippina to him as one who had a political following that was on the verge of tearing the country in half (*Ann.* 4.17.4).²³ While Tacitus makes Sejanus' warnings appear absurd, Agrippina, by all accounts, had some powerful friends, though Barrett (1996: 33) is right to note that there is "little evidence of a coherent and orchestrated effort by her adherents to support her claims." It was during the gradual suppression of her friends and eventually of Agrippina and her family, between 24 and 29, that *delatores* enter into our story.

The first move may have come in 24, when L. Visellius Varro prosecuted C. Silius and his wife, Sosia Galla (*PIR*¹ S 563), for *repetundae* and *maiestas*.²⁴ Silius' case is paired with that of Titius Sabinus, another friend of Agrippina's, in order to exaggerate the seriousness of Silius' case, even though Sabinus was not attacked for another four years.²⁵ Tacitus presents the case as follows: C. Silius was a friend of Germanicus, and this was now to prove fatal to him; in addition, having spent seven years with the legions in Germany as a legate and having earned glory as the victor over the Gallic rebel Sacrovir in 21, he had grown formidable. To top it all off, he boasted that Tiberius owed his position to him, since he had maintained the loyalty of his troops in the mutiny of 14. All of this greatly disturbed Tiberius, and Silius' and Sosia's friendship with Agrippina also stung Tiberius to the quick. With this in view, Tiberius unleashed Visellius Varro against both, and Tacitus does not mince his words: "It was decided that they should be attacked, and the consul Varro was launched against them." Varro was the perfect choice, for with him Tiberius could kill two birds with one stone. On the one hand (and probably foremost in Varro's mind), Varro had a legitimate vendetta against Silius, while Sejanus and Tiberius would obtain the satisfaction of destroying one of Agrippina's most powerful allies. Silius asked if the trial could wait until Varro laid down his office, a request Tiberius refused, using striking (and alarming) language which recalled the dark times of the Republic: "The right of the consul, on whose vigilance the emperor relied, ought not be broken, lest the state be harmed (*ne quod res publica detrimentum caperet*)."²⁶ He was prosecuted for complicity with Sacrovir, for *repetundae*, and Sosia was tried as his accomplice; Tacitus himself states that there was no doubt both were guilty. Silius committed suicide, but this did not preserve his estate, which was confiscated in its entirety. Sosia was exiled, and one-fourth of her dowry went to the accusers, while the rest remained for her children.²⁷

Tacitus is at pains to depict this prosecution in the most lurid terms.²⁸ Varro is portrayed as Sejanus' and Tiberius' tool launched (*inmissusque*) against Silius. Tacitus stands on weak ground, however, when he remarks that Varro's accusation used as a pretext personal enmity with a view to satisfying Sejanus' hatred; as noted, it was well established that prosecutions were a means with which to satisfy *inimicitia*, and Varro had excellent reasons to dislike Silius, who had humiliated his aged father in a dispute over the command against Sacrovir

(Tac. Ann. 3.43.4).²⁹ Tiberius will have appreciated Varro's position, and respected his claim against Silius. Tacitus should know better than to refer to Varro's action as a disgrace (*dedecus*); quite the contrary, it was very much a matter of *pietas* that Varro undertake the prosecution to avenge his father. Moreover, inasmuch as Varro will have had a father who will have been able to impart exclusive and particular knowledge to him concerning Silius' involvement with Sacrovir, he was the perfect choice for prosecutor. He was now to exact his pound of flesh for a very serious offense on the part of Silius, and one right out of the pages of Sallust's *Bellum Jugurthinum* – collusion with a foreign rebel and extortion, charges of which Tacitus says Silius was manifestly guilty. Scholars who take Tiberius to task for letting Sejanus pull the strings behind the scenes of this prosecution ignore the gravity of Silius' crime, complicity with Rome's ancient and most feared enemy, the Gauls. Later on in 47 it was to be Valerius Asiaticus' associations with that province which led in part to his death (see above, pp. 106–8).³⁰ Moreover, we should question whether Sejanus in fact had any significant role in this prosecution. As Hennig (1975: 48) has noted, Varro as consul had reached the highest office, and had no need to depend on Sejanus' patronage or protection.

It is difficult to ascertain Agrippina's place in all of this, and such an indirect attack on her interests may have only been of secondary consideration, but possibly one of happy coincidence. Sosia was certainly a friend, and she and Agrippina will have surely developed a close relationship while they were on the frontiers together between 14 and 16 (Silius' command extended from 14 to 21). As Bauman has argued (1992: 146), there is good reason to suspect a connection between Agrippina, Silius, and Sosia that points to a genuine threat: as a direct descendant of the *gens Julia*, Agrippina could conceivably have had a claim on Gallic allegiances. Given the loyalty of the legions to Germanicus, she could also claim a special relationship with the imposing forces stationed in Germany. The backing of Silius will have been useful, and the legions of Germany were to lurk behind more than one conspiracy against the imperial house, including the mysterious episode of Lentulus Gaetulicus under Gaius, the *coniuratio Viniciana* under Nero, and the revolt of Antonius Saturninus in 89. In addition, Vibius Serenus the Elder, no friend to Tiberius, was prosecuted at this time for trying to entice the Gauls to rebellion; it is attractive, but not certain, that his scheme was part of a larger plan to destabilize Tiberius through further mayhem in the province (see below, pp. 161–2).³¹ None of this will have gone down well within the ruling house, and as Barrett (1996: 34) has remarked, there could have been more to Silius' prosecution than Tacitus concedes. To what extent the prosecution constituted an attack on Agrippina and her followers is difficult to detect, although Agrippina certainly saw it as one, as she later made clear.

The next move came in 26, when the notorious *delator*, Domitius Afer, charged Claudia Pulchra, a cousin of Agrippina's, with *impudicitia* (adultery with a certain Furnius), attempted poisoning (*veneficia*), and magic; who, if anyone,

acted as her advocate is unknown.³² Tacitus casts Afer's motives in a sinister light, depicting him as a political climber of modest means prepared to claw his way to the top through dubious methods. The senate and emperor tried the case, and Pulchra and her lover Furnius (who is otherwise unknown) were condemned (though the precise punishment is not recorded). Agrippina viewed the accusation as part of a concerted effort to attack her through her friends, and told Tiberius that she knew what was going on and that she had not forgotten about the fate of Sosia. Indeed, in the course of this trial Agrippina assumed a defiant and confrontational attitude; hence an ugly scene with Tiberius (Tac. Ann. 4.52.3–6), in which she reminded him of her direct descent from the divine Augustus, an impolitic move that could not have helped but to exacerbate Tiberius' antipathy towards her.³³ She then assumed the garb of mourning, something invariably designed to win over popular sympathy.³⁴ No doubt adding insult to her injury was the extraordinary award voted to Afer for his prosecution, when he was honored with a place among the foremost orators. There is no need, however, to doubt that there was a genuine case against Pulchra, and charges of magic were always treated severely.

Afer appears again in 27, this time attacking Claudia Pulchra's son, Quintilius Varus.³⁵ The charge was *maiestas*, and no advocate for the defense is recorded. This time Afer did not act alone; much to Tacitus' horror, Varus' own relative, P. Dolabella, joined the prosecution. The two *delatores* tried to bring up charges before the senate, but they were put off, the House making as its pretext Tiberius' absence, and asking that the trial not commence until his return. By this time, however, Tiberius had retired to Capri for good, and nothing more is heard of the case. Tacitus makes a great deal of this frustrated prosecution and uses loaded language to make it appear as though *delatores* were now closing in for the kill:

The violence of the accusers grew daily greater and more perilous without alleviation (*ita accusatorum maior in dies et infestior vis sine levamento grassabatur*). To no one's astonishment Domitius Afer, Claudia Pulchra's accuser, attacked her son Quintilius Varus, who was rich and closely connected to Caesar, because Afer, long poor and having used his recent earnings from the case of Claudia to no good end, was girding himself for more shameful crimes. It was surprising that P. Dolabella came forward as Afer's partner, because, having an illustrious ancestry and being a connexion of Varus, he was set to destroy one of his own nobility and blood.

(Tac. Ann. 4.66.1–2)

There is nothing to justify Tacitus' remark, *accusatorum maior in dies et infestior vis*; the accusation, after all, was not even accepted. Afer may well have had an eye on profit as Tacitus states, but even if that was the case he was clearly frustrated, and the weakness of the charges is perhaps indicated by the fact that

Tacitus never reveals their more precise nature. Dolabella's relationship to Varus (he was probably his cousin) need raise no problem either; he had already shown himself ever eager to please Tiberius.³⁶ Varus himself will have made perfect sense as a target for prosecution. He had a close connection with Germanicus' family, and was betrothed to one of his daughters, probably Livilla.³⁷ In addition, he was probably born no later than AD 4, and, like Gaius, may well have spent his early years among the legions in Germany, hence a close (albeit probably only sentimental) connection to the province and their forces.³⁸ The prosecutions of Silius, Sosia, Claudia, and the one attempted against Varus, reveal a common thread; all will have had connections with the Rhine legions in one way or another.³⁹ Afer's actions, while they could be construed as self-serving, were in essence designed to neutralize the threat of instability such connections caused for the regime.

In late 27 there occurred perhaps the most unnerving case of *delatio* under the Early Principate, though one in which the details are vague at best. Porcius Cato, Lucanius Latiaris, M. Opsius, and Petillius Rufus all conspired to entrap Titius Sabinus, an ally of Agrippina's.⁴⁰ Tacitus says that he was targeted for friendship with Germanicus, and in fact tells us that he had been paying court to Agrippina and her children.⁴¹ He attended her in public, and remained loyal even while her following appears to have diminished as the persecution against her grew more acute. The reason given for the *delatores'* assault is that each desired the consulship and that the only approach to it was through Sejanus.⁴² The four agreed among themselves that Latiaris, who was Sabinus' acquaintance, would gain his trust and then lure him into an incriminating conversation with the other three present (though hidden) as witnesses. Latiaris, pretending sympathy, praised Sabinus' constancy towards Agrippina's house. Sabinus soon grew to trust Latiaris, and took to abusing Sejanus and Tiberius to him. Having gained his confidence, Latiaris one day sequestered the other three in the attic of his bedroom, and enticed Sabinus into conversation while the other three took notes. The four then composed a letter to Tiberius detailing their entrapment and the evidence they had gathered. The accusation does not appear to have resulted in a trial, there was simply a denunciation and summary execution. What the charges were in the letter Tacitus does not say, and he may not have known himself.⁴³

Were the actions of the four *delatores* as horrendous as Tacitus (and, less explicitly, Suetonius) makes them out to be? That depends on how we understand Sabinus' actions, and there is good reason to believe that Sabinus was not necessarily the innocent party as Tacitus would have us think. If our evidence for this seems highly circumstantial, it should be kept in mind that Tacitus' presentation is equally suspect, given the unprecedented punishments visited on Sabinus for what, in Tacitus, is a simple matter of verbal abuse. Rogers was among the first to argue that what is at work in this accusation is an attempt to squelch a conspiracy of Agrippina's in which Sabinus was involved. He cited, first, Sabinus' swift and sudden end as a result of simple verbal abuse

which was unusual; Tiberius had done all he could to discourage hasty action against even written attacks against himself and members of the imperial house, and the harsh punishment against the spoken word would be extraordinary by any measure.⁴⁴ That is indeed an attractive argument. More tenuous is Rogers' second piece of criteria, in which he cites a reference in Pliny that refers to a trial that indicates Sabinus' involvement with Nero, Agrippina's son. He attempts to connect this to a remark Tiberius makes after Agrippina's death that she was lucky her body was not cast onto the Gemonian steps, something which implies conspiracy, connecting this to Sabinus' supposed action in favor of Nero. Such threads are too slender to weave together a conspiracy. In addition, he sees the attacks from the time of Silius' prosecution afterwards as part of a concerted attack on Agrippina, who was all the while plotting a conspiracy in which Silius and Sabinus were involved to put Nero on the throne, arguing that Silius would have brought a military reputation, Sabinus money.⁴⁵ If that is the case, however, then he does not sufficiently explain the lapse of four years between Silius' and Sabinus' demise.

Stronger evidence that something was afoot is found in Tacitus' own text. Tacitus states that Latiaris was already Sabinus' acquaintance, which could mean that he already had information concerning some sort of illicit activity on Sabinus' part, as Firmius Catus may have had in the case of Libo a dozen years before, and that Latiaris set out to entrap Sabinus to expose a genuine threat to the imperial house. Next, the panic that Tacitus says settled in the city after Sabinus' demise, if true, is remarkable (Tac. *Ann.* 4.69.6). The scene resembles the scene in Rome during the Catilinarian conspiracy (see Appendix 3, pp. 310–12), and if the depths and general level of fear are anywhere near those Tacitus indicates, that would appear to point to a far graver danger than merely putting the brakes on verbal expression. Tiberius, when writing back to the senate to demand Sabinus' punishment, stated that Sabinus' designs had infiltrated the imperial house, even to the point where imperial freedmen were involved, and that he himself had been marked out for assassination (Tac. *Ann.* 4.70.1). Tacitus omits to tell his readers that an investigation had been made of Sabinus' slaves, who were interrogated under torture (Plin. *Nat.* 8.145). The extraordinary nature of Sabinus' arrest and his almost immediate execution without trial is quite contrary to any action taken by Tiberius up until this time.⁴⁶ Finally, it is worth noting that Tiberius had Sabinus arrested and executed during the solemnities of the New Year; given that Tiberius refused, even condemned, an accuser who lodged an accusation during the *feriae Latinae*, and given that he apparently held the day in particular esteem, the action is perhaps all the more striking (Dio 57.8.3–6).⁴⁷ The whole episode was followed by a letter of thanks from Tiberius for punishing one who was dangerous to the state.

All of this, admittedly, is very circumstantial, and gets us no closer to a solution of what actually happened, though it does seem to point to the serious nature of Sabinus' offense.⁴⁸ Given the rather suspicious nature of Tacitus' presentation, two alternatives present themselves in this case and neither one is

entirely satisfactory. The first is that Tiberius' isolation had made him timid, and more likely to prosecute swiftly and harshly crimes he was once accustomed to overlook. This seems an unlikely alternative, however, given Tiberius' occasional willingness later on to overlook even those who had cast their lot with his trusted minister Sejanus. Moreover, why make such a harsh example of Sabinus? What harm was there in simply removing a supporter of Agrippina's through banishment? The second solution is to accept that there was a conspiracy, and that Agrippina and Nero were involved. There are real difficulties with this solution as well, not the least of which is that we could scarcely expect Tiberius to keep the perpetrators around, only going after the one accomplice (Sabinus); yet Agrippina and Nero were not prosecuted for another year. We can only get around the problem if we accept that Agrippina and Nero were able to distance themselves enough from Sabinus so that they escaped being incriminated in his crime, whatever it was. Tacitus' silence in this case need not bother us, for given his generally favorable treatment of Agrippina, it would not be surprising for Tacitus to distance her from Sabinus if there was a conspiracy afoot. In conclusion, the *delatores* were in all probability uncovering a real and serious crime which had to be dealt with immediately and severely, though the actual extent of Agrippina's involvement and the nature of the actual charge both remain beyond our grasp.

It was in the year 29 that the axe finally fell on Agrippina herself. Unfortunately, this is where the story of internal strife within Tiberius' house, for our purposes, also ends. Tiberius sent a letter denouncing Nero and Agrippina. It does not appear to have been a formal charge, but a vague denunciation against Nero for homosexuality and promiscuity (*amores iuvenum et impudicitiam*); he also inveighed against Agrippina's arrogant demeanor and obstinate spirit.⁴⁹ Tacitus indicates that the letter's subtext was Tiberius' desire for Agrippina's and Nero's final destruction; this, at any rate, was how the people took it, and the senate soon had clamoring mobs outside their chamber, as the effigies of Agrippina and Nero were paraded in the streets in a show of popular support for both.⁵⁰ The mob's reaction, and pamphlets attacking Sejanus, stirred the praetorian praefect and emperor to action. It was now that Avillius Flaccus was pressed into service to prosecute Agrippina.⁵¹ Suetonius says that Tiberius had her falsely accused (*calumniatus*) of taking refuge at the statue of Augustus and desiring to flee to the army, not entirely implausible charges, given her past history (*Tib.* 53.2). What the specific charges were remain uncertain (Suetonius' presentation points to revolution), but the end result was that she was banished to Pandateria, where she died in 33.⁵² Flaccus was made praefect of Egypt as a reward. Also to this period belongs the case against her son Drusus, in which Sejanus suborned a certain Cassius to turn *delator* against him (*Dio* 58.3.8); in addition, Drusus' own wife, Aemilia Lepida, acted as the informant to Cassius.⁵³

A final period on the conflict between Tiberius, Sejanus, and Agrippina's family was not in place until 33. It was then that Drusus was finally starved to

death in his prison on the Palatine. We learn in Drusus' obituary that there had been *delatores* spying on his every word and expression for years, nor were there wanting those to report his final imprecations uttered in prison in his death throes (Tac. *Ann.* 6.24.2).⁵⁴ Tacitus goes on to say that all the curses uttered against Tiberius were read aloud in the senate, and that the centurion guarding Drusus had been careful to record them. The senate was perturbed and shocked that Tiberius, once secretive, would publish such damning words, but no doubt Tiberius wanted to make his point about Drusus. After the conflict between Agrippina and Tiberius ended, Tiberius had but a limited selection from which to make his choice for successor; *delatores* were not to become involved in domestic squabbles again until Claudius' reign, when Agrippina the Younger sought to secure succession for her son Nero and to eliminate all rivals.

Claudius

The role of the *delator* in partisan politics within the imperial household is not documented for the reign of Gaius. While it is very probable that *delatores* were indeed active in the domestic disputes which led to the banishment of his sisters, Julia and Agrippina the Younger, as well as to the execution of Drusilla's husband, Lepidus, nothing comes down to us concerning the specific role of the *delator* in these episodes. For the reign of Claudius we are much better informed, except for the years 41–6, due to the loss of Tacitus' account of this period. *Delatores* are particularly well documented (relatively speaking) later in Claudius' reign, especially when prominent women in the imperial court move to the forefront of the conflict over succession and influence. Messalina and Agrippina the Younger both cast long shadows over the prosecutions which took place under Claudius, as they competed to put their children in line for succession, and took care to check potential rivals within the imperial house.

Messalina did not waste any time in securing her position at court once Claudius became emperor. She had her reasons. As Ehrhardt notes, upon Claudius' succession in 41, the empress faced a conundrum: she had to make arrangements for the succession of her son, Britannicus, but also see to it that Claudius lived long enough for his succession to be secure and, that failing, at least see to it that Claudius' successor would guarantee her own safety and that of her children.⁵⁵ The most dangerous rivals she faced were those who could claim connections with the imperial house, with prominent members of the great republican families next in line. The first move Messalina made was in 41 against Julia Livilla, the emperor Gaius' sister and Claudius' niece (PIR² I 674). The charge was adultery (with Seneca the Younger named as one of her paramours), and there were other charges as well, though what these were we are not told.⁵⁶ Julia was condemned and exiled, and did not live long afterwards (Tac. *Ann.* 13.43.3). Messalina's motives for procuring Julia's exile are not easy to ascertain: Levick suggests that her husband, M. Vinicius, who had been proposed as a candidate for princeps, made Julia a threat; that, however, is not

an entirely satisfactory solution. Vinicius was consul in 45 – although he was executed the next year in 46, possibly in conjunction with the plot of Asinius Gallus (see below, pp. 373 nn. 32 and 44).⁵⁷ Bauman (1992: 169) has argued that the reason behind the prosecution was Messalina's desire to be compensated for not being allowed the title *Augusta* by Claudius, and that Messalina was trying to command the respect she felt she deserved as empress. But there is no reason not to see Julia's exile as a means to remove from the scene a threat to the succession (Claudius was fifty and never healthy), and Julia will have had a powerful claim as had her mother, Agrippina the Elder, as a true and direct descendant of Augustus. Messalina made her next move in 43, when she enlisted the help of P. Suillius Rufus to prosecute another of Claudius' nieces, Julia, the daughter of Drusus and Livilla. It is not known under what charge she was prosecuted, but the denouement of the case was that she was either executed or possibly driven to suicide.⁵⁸ As Levick has noted, the move might have been intended to put a check on her son Rubellius Plautus (whom she bore to C. Rubellius Blandus), who was a contender for power – a reasonable conjecture, given that Rubellius Plautus' name was to appear in the dynastic conflicts which plagued Nero's court more than once (see below, pp. 151–4).⁵⁹ As for Suillius, there is good reason to believe that, in addition to the prosecution in 43, he will have also had a role in that of 41. He was an important tool that Messalina put to frequent good use, and he stood head and shoulders above the other *delatores* of his day, until Messalina's death in 47, when his influence was broken.

It was in that fatal year, 47, when both Britannicus, Claudius' son, and Nero, his nephew, made their public debut at the *ludi Troiani*; the people clearly showed favor to Nero (Tac. Ann. 11.11.5). According to Tacitus, the crowd also made known their favor towards Agrippina, Nero's mother, a popular and sympathetic figure due to the memory of her father – and Messalina's patent animosity towards her (Ann. 11.12.1). We have no need to doubt Tacitus' assertion, given her history, that Messalina was preparing to attack Agrippina, in the courts (or *intra cubiculum*), when she was caught up in the snares of her own ambition and found herself on the receiving end of a *delatio* laid by Narcissus and two of Claudius' favorite concubines, Cleopatra and Calpurnia.⁶⁰ Messalina's fall cleared the way for Agrippina the Younger's rise to power and her marriage to Claudius; she soon pressed into services *delatores* in order to secure and solidify her position at court, and to ensure the adoption and succession of her son, L. Domitius (the future emperor Nero).⁶¹ Her first move in 49 was to induce Tacitus' trusted minister, L. Vitellius, to denounce L. Silanus, who had been betrothed to Claudius' daughter Octavia, and himself was a direct descendant of Augustus.⁶² Vitellius accused Silanus not of incest, but of "imprudent desire" (*incustoditum amorem*) with his sister, Junia Calvina; Claudius furnished a ready ear and struck Silanus from the senatorial rolls, and Silanus took his own life soon after.⁶³ The move was intended to consolidate and strengthen Agrippina's position in the imperial court, and Nero was

married to Octavia four years later, in 53 (Tac. *Ann.* 12.58.1). It was a necessary maneuver on Agrippina's part. As Ehrhardt (1978: 70) has remarked, "If Claudius died before the succession was assured to Domitius, Silanus, especially if he had already married Octavia, would be the obvious successor."

With Silanus neutralized, the still insecure Agrippina next moved against Lollia Paulina (also in 49); she had been one of the rival names put forward when discussing Claudius' remarriage in 48, and Agrippina had not forgotten this.⁶⁴ Lollia was well connected, and had at one point been the wife of the emperor Gaius. Agrippina put up an accuser (unfortunately his name is not given), and charged Paulina with association with astrologers and magicians and the consultation of Apollo's oracle at Claros concerning marriage with Claudius.⁶⁵ Her property, except for 5,000,000 sesterces, was confiscated and she was exiled, though she was soon forced to suicide – a none too surprising conclusion to a case involving charges of magic.⁶⁶ Agrippina's power was possibly challenged in 51, when a senator, Junius Lupus, turned *delator* against Claudius' minister Vitellius; Lupus unsuccessfully tried to have a charge of *maiestas* accepted. The origin of the accusation is uncertain, though he could have been put up by Narcissus or a clique in the senate with a view to challenging Agrippina's influence. Personal motives also may have been involved; Junius could have been a distant relation of Junia Calvina's, hence perhaps an attempt to right a family wrong in the wake of Silanus' prosecution.⁶⁷ Whatever lurked behind Junius' action, Agrippina quickly intervened and called a halt to the proceedings.⁶⁸ Her main interest was to protect her greatest supporter within the court, and – perhaps as an example – Lupus was interdicted from fire and water, even though the charge might not have even been accepted; indeed, Tacitus indicates that Lupus only escaped with his life through the intercession of Vitellius.

We are equally unclear concerning who the accuser was against Domitia Lepida, Nero's aunt who vied for her nephew's attentions with his mother, a competition that was rather fierce.⁶⁹ Agrippina put up an accuser to charge Domitia with using magic to consult about Agrippina and with disturbing the peace in Italy, for which she was executed (Tac. *Ann.* 12.65.1). As Levick (1990: 76) has remarked, the charges were serious; adding to their severity was Domitia's connection to Augustus (she was his great niece through the elder Antonia), and that she was Britannicus' grandmother.⁷⁰ In addition, the attack possibly neutralized Narcissus, Britannicus' supporter and Agrippina's constant rival.⁷¹ Again, the struggle for succession was very much at issue, with Agrippina attempting to neutralize Britannicus' support and diminish his claim.

Three events conceivably interrelated now coincided. At almost the same time as Domitia Lepida's prosecution, Suetonius says that Agrippina intervened before Claudius could finalize his will, already stamped with the seals of all the magistrates; simultaneously she was facing charges from numerous *delatores* (Suet. *Claud.* 44.1). In addition, Narcissus now went into retirement, and Agrippina destroyed all letters in his possession. As Bauman has noted, the

burning of Narcissus' correspondence, taken together with the passage in Suetonius that Agrippina hastened her plans to poison Claudius since she was being hard pressed by *delatores*, are all of a piece.⁷² At the same time she poisoned Claudius, she herself was facing prosecution, and had Narcissus' correspondence, containing information damaging to her, burned. All of this – the poisoning of Claudius, the destruction of incriminating *delationes*, Narcissus' "retirement" – was a matter over the right of succession and the securing of Nero's position. In addition, upon his death, Claudius' will was never publicly read, according to Tacitus, out of fear that it made Britannicus and Nero joint heirs (Tac. Ann. 12.69.5; cf. Dio 61.1.2). Agrippina could not let Claudius' will become public, and her hand was possibly forced in the face of menacing *delatores* in 54.

It is easy to be hard on Agrippina and her agents, but there is, as several scholars have pointed out, some justification for her actions in the interest of dynastic stability. Rival claimants had to be eliminated, her son's position secured, and in the cannibalistic atmosphere of the court, it is difficult to imagine anyone else acting otherwise. Rudich (1993: 5–6) is right to note the heightened activity of *delatores* within Claudius' *domus*; it was a very different scene from what we find under Tiberius. During Tiberius' tenure Agrippina the Elder was the only major rival claimant in the imperial house. Now, with the passage of over a generation, there were numerous descendants who could press their claims, causing insecurity and anxiety for the sitting princeps or those with their eyes fixed on the imperial prize. At the opening of his reign, Nero renounced *delatio* in an effort to please the senate. For the most part he remained true to his word: before 65 there are only the isolated cases of Antistius Sosianus and Fabricius Veiento (both in 62). After the Pisonian conspiracy, *delatores* picked up the pace. But from an early date, *delatores* were put to work in Nero's house to eliminate and neutralize rival claimants. These, and not the writers of scurrilous verse, were the emperor's first priority.

Nero

Nero's succession in 54 soon weakened Agrippina's position at court, and within a year circumstances had changed: Nero had developed a passion for Acte, an imperial freedwoman; Pallas, Claudius' powerful freedman and Agrippina's lover, had been dismissed from the court; Seneca, Nero's tutor, and Burrus, his praetorian praefect, had risen in favor and driven Agrippina even further out of the limelight. All of this soon led Agrippina to change her allegiance from Nero to Claudius' son, Britannicus – whom Nero soon had poisoned.⁷³ Not long afterwards Nero had Agrippina removed from the imperial palace; she, in turn, started to throw in her support for Octavia, Nero's wife, *de facto* rival of Nero's mistress, Acte, and even started to solicit financial and political support for her cause (Tac. Ann. 13.18.3–5). To counter Agrippina Nero took away her imperial bodyguard and started to harass her with lawsuits in order to drive her

from the city (Suet. *Nero* 34.1). She did not have long to wait before the open attacks against her commenced. In 55 Junia Silana (PIR² I 864), the wife of C. Silius, Messalina's paramour and consequently an apparent one-time ally of Agrippina's, fired the first salvo when she put up two *accusatores* against Agrippina. Silana's ostensible motive was revenge because Agrippina had deterred a young nobleman, T. Sextius Africanus (PIR¹ S 464), from marrying Silana, with an eye on her wealth. Silana suborned two of her clients, Iturius and Calvisius, to prosecute her.⁷⁴ Nero's aunt, Domitia Lepida (PIR² D 180), also entered the picture when she supplied two freedmen, Paris and Atimetus, to denounce Agrippina to Nero. Domitia's motives are not difficult to gauge: Agrippina had taken her husband, Passienus Crispus, from her, and had been responsible for the destruction of her sister, Domitia Lepida (Tac. *Ann.* 13.19.4; cf. Quint. *Inst.* 6.1.50).⁷⁵ The accusation was a matter of familial rivalry; the charge was plotting revolution with Rubellius Plautus with a view to marrying and controlling the empire through him, a plausible and frightening accusation on the face of it, in light of Plautus' imperial pedigree and Agrippina's ambitions (Tac. *Ann.* 13.19.3). The accusers agreed that, given Paris' intimacy with Nero, he should be the one to present the charges: Paris found Nero in his cups and, drawing on his histrionic talents, presented the accusation so as to terrify him with a view to encompassing the deaths of Agrippina and Plautus, and the removal of Burrus, Nero's praetorian praefect.⁷⁶ Burrus, however, convinced Nero that he should not act solely on Paris' claim, and that the other accusers should have a hearing (Tac. *Ann.* 13.20.5). Agrippina was informed of the charges against her, and given her day in court, where she successfully refuted the charges. In the process, she also poured scorn out against Silana, but saved her real ammunition for Iturius and Calvisius: they were two profligates only capable of repaying their mistress (*patrona*) through the nefarious service of false accusations, while Silana had put up Atimetus and Paris, in Agrippina's view, simply to concoct a melodrama (Tac. *Ann.* 13.21.3–5). Making short work of their charges of revolution with Plautus, she asserted that her position at court would be as weak with him as it was with Nero, and she herself would be made vulnerable to prosecution (Tac. *Ann.* 13.21.8). Agrippina's arguments won the day, and she exacted vengeance against the *delatores* and Silana: Calvisius, Iturius, and Silana were exiled, while Atimetus was executed.⁷⁷ Only Paris, and his patroness, Domitia, escaped relatively unscathed, while Agrippina, who, as Barrett notes, had been hovering on the brink of destruction, emerged more powerful than before.⁷⁸ The *delatores* in this particular case are not necessarily the evil agents they are made out to be. Iturius and Calvisius, undertaking an accusation on behalf of their patroness (who technically, due to her sex, was not allowed to bring up a charge), were merely showing their *fides* and fulfilling the duties expected as Silana's clients. Similar circumstances explain the involvement of Domitia's minions.

Tacitus indicates, in the course of narrating this same case, that *delatores* were indeed busy at work against the remnants of Britannicus' supporters, who now

appear to have shifted their allegiance to Octavia after Nero's murder of Britannicus in 55. Tacitus states the following about Iturius' and Calvisius' accusation:

[Silana's] accusation against Agrippina was not based on old and hackneyed matters, such as that she mourned Britannicus' death or made public Octavia's injuries, but that she had decided to rouse up Rubellius Plautus, Nero's equal due to his mother's origins and just as closely related to the divine Augustus, to revolution, so that through marriage with him and through her power she could once more attack the state.
(Ann. 13.19.3)

The passage indicates that there potentially were a number of other accusations based on open loyalty to Claudius' children that had taken place, or that *delatores* had been pressing to have such charges accepted. Recriminations of this sort could have been directed against Agrippina herself and were only accepted when something more creative (and dangerous) could be found, as in the case of Iturius' and Calvisius' prosecution. Alternatively, such charges could have been brought up successfully against unknown individuals in an effort to erode support for Agrippina. Whatever the situation, it appears likely that *delatores* were being employed to exploit internal feuds within the imperial house to the advantage of various factions at court.

Nero finally employed murder to rid himself of Agrippina in 59; prior to her death *delatores* only entered into one more familial dispute, the case of Faustus Cornelius Sulla Felix in 58. The details of the case are mysterious: in 58 a freedman of Nero's, Graptus, denounced Sulla on a charge of conspiracy, and Sulla was exiled to Massilia. What relationship, if any, the case had with Paetus' accusation against Sulla three years earlier (see above, p. 111) is uncertain, though the earlier accusation may have planted the seeds of suspicion.⁷⁹ The case, however, could have been little more than an attempt by Nero to secure his position further, for Sulla was well connected, the son of Domitia Lepida, half-brother of Claudius' wife Messalina, and betrothed to Claudius' daughter Antonia.⁸⁰ He was, moreover, the son of a Sulla, a descendant from one of the great republican dynasts. The descendants of Pompeius Magnus and of Sulla suffered parallel (mis)fortunes under the emperors.⁸¹

That is all we hear of *delatores* in the context of the domestic politics at Nero's court until 62. Their disappearance is ominous, and indicates that the legal niceties that had been a part of court life were now abandoned: competitors were simply murdered or politely invited to self-imposed exile. Hence, Rubellius Plautus was forced into retirement in 60 and sent to Asia, where he was forced to suicide two years later.⁸² Plautus was the son of Julia Livilla, the elder Drusus' daughter, and Tiberius' son Drusus; he was connected by blood to the imperial house, and therefore constituted a potential threat. By 62 Nero had been involved with Poppaea Sabina, his mistress, since 58, though Octavia

remained as his wife. Now Nero decided to “clear his accounts”; he had Sulla and Plautus both executed in exile, and then proceeded against Octavia in an effort to remove all potential rivals.⁸³ Nero first divorced Octavia, sending a letter to the senate denouncing her as barren before he married Poppaea (Tac. Ann. 14.60.1). Poppaea, leaving nothing to chance, employed a flute-player of the court, named Eucærus, to denounce Octavia for servile adultery as well; her slaves were interrogated, and while some were induced to false confessions, most maintained her innocence (Tac. Ann. 14.60.4).⁸⁴ She was soon banished to Campania under military guard, and the Roman mob protested very vocally on her behalf. The crowd’s affection for Octavia and their hatred of Poppaea (they were overturning her statues) soon made Nero reconsider whether he had not misplaced his affections.⁸⁵ Poppaea was enraged at Nero’s contemplated capitulation to the protests and berated him for yielding to Octavia’s popularity (Tac. Ann. 14.61.5). Ultimately Eucærus’ denunciation of Octavia for adultery with him failed, and recourse was had to Anicetus, who charged Octavia with both adultery and revolution (Tac. Ann. 14.62). She was exiled to Pandateria, and forced to open her veins (Tac. Ann. 14.63). Bauman takes as evidence of a genuine plot the thanksgivings voted on the occasion of her death, and while there may be more to her exile and death than meets the eye, Tacitus states that decrees of thanksgivings were becoming habitual every time Nero carried out the execution of some noteworthy individual.⁸⁶ While the thanksgiving and the presence of the military guard in Octavia’s case does, for all appearances, make it attractive to conjecture that more was at work here than Tacitus tells us, we cannot retrieve what that might have been given the present state of our evidence.

Eucærus was by no means the last one to become involved in the domestic politics of the court. In 64 anonymous *delatores* prosecuted D. Junius Silanus Torquatus on the grounds, says Tacitus, that he was from the noble house of the Junii and could count among his ancestors Augustus himself, who was his great-great-grandfather.⁸⁷ We do not have the name of his accusers, but they were suborned, according to Tacitus, to charge Silanus with excessive use of gifts that pointed in no other direction than conspiring to revolution. Dio’s account is virtually identical to Tacitus’, and he dismisses the accusations as fictitious (62.27.2). Other charges indicate that Silanus may well have been indiscreet, and rightly brought suspicion on himself, for he had given his own freedmen certain imperial titles, including *ab epistulis*, *a libellis*, and *a rationibus*.⁸⁸ Silanus did not wait out his defense, but opened his veins; Nero protested that he would not have sought such an end for Silanus, but would have allowed him his life, a protest reminiscent of Tiberius’ after Libo’s death. It has been noted that Silanus had been left well enough alone for ten years; the reason for his demise in 64 could simply be that he posed a more directly visible threat as other rival claimants vanished.⁸⁹ In 65 Silanus’ nephew, L. Silanus, who was associated with the jurist C. Cassius, was exiled then executed.⁹⁰ The Stoic Heliodorus may have been his prosecutor, though this is far from certain, and our source for

this, the scholiast to Juvenal, is not the most reliable. He was prosecuted together with C. Cassius, a descendant of Caesar's assassin, who included his image among those of his ancestors with the inscription "to the leader of the party," *duci partium*; Cassius was accused of sowing the seeds of civil war and of dissent based on his "republican" sentiments.⁹¹ Moreover, Cassius, it was urged, was grooming Silanus, a noble and apparently headstrong individual (*animo praeruptum*), for revolution (Tac. Ann. 16.7.4). The *delator* brought up the same charges as those proffered against his uncle, that he had given his freedmen imperial titles, charges Tacitus dismisses as groundless; Tacitus also notes that Silanus had exercised extreme caution due to his uncle's fate. Despite Tacitus' insistence, we should be suspicious of the young Silanus; it is worth remembering that Piso feared to carry out his conspiracy because he feared Silanus' ambitions (Tac. Ann. 15.52.3), and that this conspiracy had just been squelched. Moreover, Silanus was not the first of his family to suffer at the Caesars' hands.⁹² The seeds of enmity were long since sown, and the recent prosecution of his uncle will have rendered him all the more dangerous. Informers also came forward against Junia Lepida, Cassius' wife, charging her with incest with Silanus, her nephew, and with magic.⁹³ Cassius and Silanus were exiled, though Nero soon had Silanus executed.

In that same year, 65, a freedman of L. Antistius Vetus' was suborned to attack Vetus, his mother-in-law, Sextia (PIR¹ S 482), and his daughter, Pollita (Tac. Ann. 16.10). Tacitus says this was a matter of pure spite on the emperor's part, who loathed the sight of the kin of Rubellius Plautus, son-in-law to Vetus.⁹⁴ The case was a sensational one. The freedman, Fortunatus, not only embezzled his patron's property, but now turned accuser against him (Ann. 16.10); he enlisted the help of Claudius Demianus, himself imprisoned by Vetus for criminal activity during Vetus' proconsulship in Asia (and who was now freed by Nero as a reward for his turning *delator*).⁹⁵ Vetus did not wait around, but appreciating that he was about to be indicted, left for his estates near Formiae, where he was placed under surveillance. The upshot was that Vetus, Sextia, and Pollita were condemned (on what charge is unknown), and opened their veins together in a hot vapor bath. In the next year mere friendship with Plautus was enough to condemn Barea Soranus, and may have been one of the charges, later on, against Domitius Corbulo. Vetus himself was not an innocent party. His behavior during Nero's liquidation of Plautus, in which he urged the reluctant Plautus to choose revolution rather than an acquiescent death, made him a dangerous character – to Nero, the senate, and the empire. In addition, his family possibly had long-standing connections in the East, in Thrace and Macedonia, and his resources and *clientelae* in the region, if such were the case, would have been useful to Plautus had he chosen flight.⁹⁶ A dangerous combination of indiscreet opinion and involvement in the politics of the imperial house led to Vetus' demise. We can fairly ask, however, why, if he was guilty of involvement with Plautus in 62, do we find him as proconsul of Asia in 64/5, and why does Nero wait so long before liquidating Vetus and his family?

Rogers (1955: 210) has plausibly suggested that the evidence for his involvement with Plautus might not have been revealed until 65 or that the Pisonian conspiracy will have made Nero more inclined to treat such connections with less leniency. Finally, Fortunatus may have had good reason to denounce Antistius if the charge was true, since Antistius' involvement in such a plot – were it carried out unsuccessfully – would have entailed destruction for Fortunatus as well (see below, pp. 168–9). In the end, Fortunatus was awarded a place in the theater *inter viatores tribunicios* (Tac. Ann. 16.12.2).

The Flavians

The role of the *delator* in the politics at court ends, for the most part, with Nero's death, and with the prosecutions and executions of the mid-60s. Vespasian had his own very set views about succession, and those who tried to thwart or upset his plans paid dearly (see above, pp. 127–8; cf. below, p. 173). We have, however, only one episode which could be construed as stemming from court politics, which took place under Domitian – and in that instance the *delator* is entirely unknown to us. Flavius Clemens was Domitian's cousin and married to Flavia Domitilla, Domitian's niece.⁹⁷ Clemens had two children, also named Vespasian and Domitian, who were designated as Domitian's successors, hence all parties were close to the throne. In 95 Clemens was consul *ordinarius* with Domitian until 1 May; soon afterwards both he and his wife were charged with "atheism." Domitilla was exiled to Pandateria, Clemens executed, and the two children were never heard from again (Dio 67.14.1–2). Dio refers to a formal charge (*enklema*) brought against them, but whether there was a proper trial in the senate or whether it was at Domitian's Alban villa we have no way of knowing. The charge, according to Dio, was the practice of Judaism, while some have argued that it was conversion to Christianity.⁹⁸ As Williams has pointed out, however, Judaism will have been a satisfactory charge for an emperor who appears to have had an aversion to it; moreover *delatores* exploited charges of Judaism under Domitian, and exposing Judaism in the heart of the imperial house was bound to raise Domitian's resentment.⁹⁹ But the whole episode – the *delator*, the fate of the children, the precise nature of the charges – is so nebulous, that it must remain in the realm of pure conjecture. One other relation Domitian rid himself of was Arrecinus Clemens (*PIR*² A 1072), though the circumstances of his demise are also lost; we do know, however, that he met his *delator* the day before he was set to prosecute him, according to an anecdote in Suetonius, in which Domitian, catching sight of the prosecutor, turned to Clemens and asked, "Do you want us to hear this most worthless slave tomorrow?" (*Dom.* 11.1).¹⁰⁰

Conclusion

Roman politics was a rough business, and nowhere more so than at the imperial court. The *delator*'s role in domestic politics serves to highlight in particular the growing difficulties the emperors, particularly the Julio-Claudians, faced as time went on and more and more individuals were tied to the imperial house. The imperial house became a state unto itself, one occasionally torn asunder by factional strife: Agrippina versus Tiberius, Messalina versus Agrippina the Younger, Britannicus versus Nero. Potential claims, rivalries, and challenges to an emperor's legitimate hold on power grew more numerous as more individuals were connected to the imperial family through birth and marriage. Furthermore, those close to the emperor had an interest in maintaining their influence at court as best they could. The attendant competition that took place naturally included prosecution in the courts, as any factional struggle always had in Rome. By the same token, the personal and domestic nature of politics is perhaps highlighted by the increasing reliance on one's freedman to play the part of *delator*. Those who aligned themselves with a particular faction at court also assumed the attendant risk that defeat brought in its path, as those who had supported Sejanus against the interests of Agrippina the Elder discovered. It is hard to fault the likes of Suillius, Iturius, or others. What alternative, we must ask, did the likes of Nero or Claudius, or Agrippina the Younger and Messalina, have in securing their positions? Tacitus, Suetonius, Pliny, all lived and wrote in a time when the question of succession was handled with a more fortunate outcome. The *delator* may have been a creature who "made danger for all," but as often as he did this for members of the senate, he also did this for members of an imperial house, where the politics were often nothing less than cannibalistic.

CONSPIRACY

‘Caesar, beware thou of Brutus; take heed
 of Cassius; come not near Casca; have an eye
 to Cinna; trust not Trebonius; mark well Me-
 tellus Cimber: Decius Brutus loves thee not:
 thou hast wronged Caius Ligarius. There is
 but one mind in all these men, and it is bent
 against Caesar. If thou beest not immortal, look
 about you: security gives way to conspiracy.
 The mighty gods defend thee! Thy lover, ‘Artemidorus.’

(Shakespeare, *Julius Caesar*, 2.3)

On the Ides of March, 44 BC, Julius Caesar lay dead at the base of Pompey’s statue, slain by three and twenty wounds. In the hand of the murdered dictator, according to one tradition, was a tablet given to him just moments before, containing information about what was now a *fait accompli* (App. BC 2.116). The episode both highlights and prefaces one of the essential functions of *delatores* during the Principate, in which they played a role in protecting the immediate security of the princeps and the state. Denouncing and prosecuting those who posed a threat to the physical survival of the princeps or threatened armed revolt against the state, the most perilous and acute forms of opposition imaginable, *delatores* were one of the effective munitions in the imperial arsenal. Their work, however, as Domitian noted, was only appreciated when it met with failure (Suet. *Dom.* 21). Yet even those conspiracies which did succeed stand in the realm of the nebulous – no doubt due to the secretive nature of such conspiracies, their organization and leadership. Thus, a conspiracy such as that of Scribonius Libo under Tiberius, or Piso under Nero, still leaves gaps which do not allow for a full understanding of a plot’s organization, the motives of the conspirators, or even their leadership. Of the *delatores* who betray the plots and prosecute the perpetrators in its aftermath, more is known. Some were hardened careerists, such as Vibius Serenus the Younger and Suillius Rufus; others, detested though they might be, were simply at the right place at the right time. Flavius Milichus, Antistius Sosianus, and Volusius Proculus arguably

fall under such a rubric. Nor was this a new phenomenon in Roman annals. There was as much a need to protect state security through similar means under the Republic as there was during the Principate (see Appendix 3). The essential difference was that the state's defense now depended on the protection of a single individual whose person had to be guarded; as the civil strife of 69 showed, the consequences of the failure to check rebellion and conspiracy until it had succeeded could be as bad, if not substantially worse, than enduring "the worst of emperors."

Tiberius

There is little evidence under Augustus for the large-scale conspiracies that we find directed against others, such as Claudius and Nero. Moreover, what little we know of is difficult to reconstruct, as Raaflaub and Samons (1990: 422–33) have recently shown in their detailed examination of the numerous "cases" of opposition and resistance to Augustus. The role of the *delator* is here virtually irrecoverable. We know that a certain Castricius acted as informer against Murena and Caepio in 23 BC, and Tiberius in fact acted as the prosecutor in the case.¹ The details we have concerning this episode, however, leave us very much in the dark. Nothing is known of Caepio, and the identity of Murena remains controversial, though he was a man of importance. Almost nothing concerning the conspirators' intentions are known except that the plot's goal seems to have been to assassinate Augustus. For Tiberius' principate we are on somewhat firmer ground.

The first instance of conspiracy we have from Tiberius' reign is in 16, when M. Scribonius Libo Drusus was accused of plotting revolution (Tacitus, who is none too clear on the precise nature of the charge, uses the vague phrase *moliri res novas*).² The source for his trial is Tacitus, who is none too sympathetic with the accusers, and, as was the case with Caepio Crispinus' and Romanus Hispo's prosecution of Granius Marcellus (see above, p. 11), cites this case to illustrate how the Principate corroded both public life and private relationships. Tacitus' ire in this instance is directed against the four *delatores*, Firmius Catus, Vibius Serenus, Fonteius Agrippa, and Fulcinus Trio. Firmius Catus comes in for particular attack, as one who was a close friend of Libo's, and who exploited the young man's indiscreet character by playing on his ambition with a view to entrapping him:³

Firmius Catus, an intimate friend of Libo's, urged the youth, who was of little foresight and prone to foolishness, to consult the promises of astrologers, the rites of magicians, and even the interpreters of dreams. Meanwhile Catus reminded Libo that his great-grandfather was Pompey the Great, his aunt Scribonia, who had once been Augustus' wife, that his cousins were the Caesars, his house full of ancestral images.

Catus, an ally of his lusts and needs, also urged him to luxury and debt so that he might entangle him by more evidence.

(Tac. Ann. 2.27.2)

Catus now went to Vesularius Flaccus, an equestrian and close friend of Tiberius, and asked for a meeting with the princeps, which he was refused; Flaccus did, however, present Catus' charge and the name of the defendant to Tiberius.⁴ Meanwhile, Tiberius did not change his attitude towards Libo, whom he had designated for the praetorship.⁵ It is now that Fulcinus Trio enters the picture. A certain Junius approached Fulcinus with the information that Libo had asked him to perform a necromantic ritual. Trio now charged Libo before the consuls, demanded a senatorial inquiry, and the senate itself was summoned to consult "concerning a great and fearful matter." We do not know under what law the charges were prosecuted, but they almost certainly related to magic practices or astrological consultations.⁶ *Maiestas* is an unlikely possibility, since the charges concerning magic did not fall under the *lex maiestatis* until quite late.⁷ The charges for magic would instead have been tried under a *quaestio de sicariis et veneficis*, but they could have been subsumed under charges of conspiring to revolution (*res novas moliri*), charges which are repeated in Velleius (2.129.2) and Suetonius (*Tib.* 25.1); though such charges – despite Tacitus' silence – were arguably treasonable, in this instance they may not have been tried as such.⁸ That there was indeed a series of charges is indicated by Tacitus' remark that Serenus pledged to take on the charges one by one (*singillatim*).⁹ Libo now put on mourning garb and beseeched the pity of his relations and friends, a scene Tacitus presents with high pathos. When he entered the court, he was worn out by exhaustion and illness and begged an unmoved Tiberius for pity. The *delatores* now began their *divinatio* for the *ius perorandi*, which went to Vibius Serenus, with Firmius Catus, Fonteius Agrippa, and Fulcinus Trio also acting as prosecutors. Vibius attacked the undefended Libo one charge at a time, and even produced letters in Libo's own hand, evidence that would have been incriminating by any standard. Some were harmless enough, but one stood out as particularly damning, in which suspicious marks were appended to the names of certain members of the imperial house and to certain senators. Libo's slaves were now interrogated, and Tacitus mistakenly makes this out to be not only a particularly vicious and clever ruse by Tiberius, but something entirely novel.¹⁰ Hope now deserted Libo, who committed suicide, though this did not stop the trial from proceeding.¹¹ At trial's end, Tiberius, probably in all sincerity given his intervention for leniency elsewhere, asserted that he would have spared Libo.¹² After the trial, the senate took some extraordinary measures: it decreed that Libo's image was not to be carried in his family's funeral processions, forbade the cognomen Drusus in the Scribonian family, decreed a day of supplication, made offerings to Jupiter, Mars, and Concord, and decreed the day of Libo's suicide a holiday (*dies festus*); in addition, astrologers were expelled from Italy, and two, L. Pituanus and P.

Marcus, were brutally executed, something which speaks to the serious nature of the charges concerning magic.¹³ All of the accusers, except Vibius Serenus, were given extraordinary honors (see above, p. 47).

The whole episode has caused numerous scholars difficulties, and there is little agreement on how grave a threat Libo actually posed.¹⁴ But the letters are a smoking gun, the continuation of the case after his death extraordinary for one that does not seem to have been tried as *maiestas*, and the measures taken after his conviction were atypical to say the least. Despite Tacitus' sympathy for the accused and his merciless remarks against the prosecutors, there is good reason to believe that there was a genuine case against Libo. Consider the prosecutors in the initial stages of this case first. The opening phase of this episode, as Tacitus presents it, is Byzantine at best, with his entire intent being to make Catus appear as sinister as possible, as with the *delatores* in the case of Titius Sabinus.¹⁵ Yet it is almost impossible to determine whether Catus was first a friend of Libo's, who later found out and divulged the plot, or whether he did in fact, as Tacitus states, in some way urge on Libo. In favor of the first alternative is that others were fully aware, it appears, of Libo's ambitions and aspirations.¹⁶ In addition, Catus needed to gather both witnesses and slaves, and was later in close competition with others to prosecute Libo. Catus also appears, for one, to have been careful to corroborate his story before approaching anyone with it, and Fulcinius Trio was also cautious about gathering a solid trail of evidence before submitting his charge. It is also worth noting that Fulcinius obtained his information independent of Catus. That would indicate that, despite Tacitus' attempt to use this case to depict Tiberius as a ruthless tyrant, the *delatores* were each rather individualistic characters, working on their own, and that the careless Libo had left a trail of evidence which did not make this difficult.¹⁷ As for the charges, the most serious of those known will have been those of consulting astrologers and the use of magic. By all accounts, Tiberius was very sensitive to matters concerning magic and astrology (Dio 57.19.2–3), and a general expulsion of astrologers from Rome and Italy followed.¹⁸ That, in and of itself, will have been enough to result in at least exile for Libo. Trying to ascertain the verity of the charge of revolution (*res novae*) is almost impossible. Levick (1976a: 150–1) has tried to solve the problem by connecting Libo's actions with Clemens' attempted rebellion in the same year, making the episode a matter of dynastic politics, although Goodyear (1981: 264) has shown the implausibility of this theory.¹⁹ It is possible, however, that given the coincidence of the two incidents, the senate and Tiberius were willing to take sterner measures against Libo than normally would have been the case. Urgency in removing a dynastic threat can also be ruled out; while there is no doubt that Libo was well connected in terms of his family, he scarcely presented so immediate a menace to Tiberius to compel such action, and we would be asked to imagine that Libo would next have it in mind to deal with Germanicus and his family.²⁰ Finally, what are we to make of the extraordinary decrees after Libo's death? One could argue that we should dismiss these as merely the work

of a servile senate; many of the senators who proposed them, however, were well on in their careers, with little or nothing to gain for themselves through such proposals.²¹ Without further evidence forthcoming, nothing more can be known concerning Libo's actions, his motives, or why such stern measures were taken against him. But it is noteworthy that no such prosecution was to take place again until Sejanus' power peaked at court; moreover, as has already been noted in Chapter 4, it was a general rule of Tiberius' tenure, at least early in his reign, that he intervened on the side of mercy in such cases.

Tiberius interceded on the side of clemency in yet another possible conspiracy in 24, which in fact involved one of Libo's accusers. In that year Vibius Serenus the Younger, scion of the Serenus who had been Libo's chief prosecutor, accused his own father of conspiracy (Tac. *Ann.* 4.28–30; Dio 58.8.3). Vibius Serenus the Elder had been exiled to Amorgus in 23 after being condemned for provincial maladministration.²² He was now summoned back to Rome, where his son accused him of conspiring against the princeps' life, of plotting revolution with the Gauls, and of *maiestas*.²³ As proof, he produced letters, and in the process implicated the praetor, Caecilius Cornutus (*PIR*² C 35), as the plot's financial backer. Cornutus soon committed suicide, but the elder Serenus held firm against his son; he urged that Cornutus had killed himself out of fear, that there were those who could attest to his innocence, and that it was unlikely that he would conspire to revolution and assassination with but a single ally. The younger Serenus countered by naming some of Tiberius' friends, including Cn. Lentulus and Seius Tuberus as fellow conspirators; innocent or not, these charges were soon dismissed, and when Serenus the Elder's slaves were interrogated, their testimony went against the accuser.²⁴ In the midst of all this, Tacitus says that Serenus the Younger lost his nerve and tried to escape; mad with guilt and anguish, with the threat of a charge of parricide now looming, he hastened to Ravenna. He was soon forced to return and continue his accusation, in part because, according to Tacitus, Tiberius was unrelenting in his hatred of Serenus the Elder. Finally, despite the lack of evidence from slaves under torture, the senate's verdict not only went against the elder Serenus, but recommended punishment "in the ancient fashion," prompting Tiberius to intervene and mitigate the penalty.²⁵

The case against Serenus again has several details, circumstantial though they may be, that could indicate his guilt. First, there is the personality of Serenus itself, which was clearly antagonistic to Tiberius; if Tacitus can speak of the emperor's hatred for Serenus, it was with good reason – the elder Serenus was a bad man, and a bad governor, demanding, spiteful, and violent, and Tiberius had the letters and injured provincials to prove it. Then there are the details of the case itself: if Serenus the Younger could cite letters written to the Gauls then he could have had a smoking gun against his father.²⁶ Serenus the Younger's alleged attempt at *tergiversatio* is equally open to suspicion; Tacitus imputes motives to Serenus for going to Ravenna that he had no way of knowing, and the destination of Ravenna raises suspicions that he was possibly

following a trail of witnesses and correspondence his father sent to Gaul. Cornutus' suicide opens further suspicions of guilt, while the recent unrest in Gaul (with Sacrovir's revolt fresh in memory) would appear to make it a natural breeding ground for revolution. It was, after all, Valerius Asiaticus' connections to the province that led, in part, to his death in 47. In addition, there is the senate's very harsh penalty – despite the filial origin of the accuser – which Tiberius had to step in to ameliorate and the persistence of Asinius Gallus in trying to ensure that Serenus the Elder's penalty be worsened. Tiberius rejected these motions, and simply returned him to Amorgus. If the younger Serenus' prosecution were indeed as offensive to the senate as Tacitus indicates, then we would not expect such a push for so extreme a penalty, especially given Tiberius' inclination towards mercy up to this point. Finally, the case was capped off with an attempt to prevent accusers from collecting rewards in cases of suicide (in light of Cornutus), and this moved Tiberius to make his famous remark, “better that they subvert laws than remove their guardians.” A *delator* collecting rewards in the event of suicide was utterly against custom, both prior to and after this case (see above, pp. 42–3). That Tiberius intervened to ensure that Vibius the Younger received a reward of an extraordinary nature should make us still more suspicious that, in this instance, he acted just as Tiberius said, as a guardian of the law, and for an extraordinary offense. In addition, in the next year, when Vibius Serenus the Younger launched a failed accusation against Fonteius Capito for provincial maladministration in Asia, he went unpunished (Tac. Ann. 4.36.4). Such impunity is similar to that Firmius Catus, one of Libo's *delatores*, enjoyed, after he falsely accused his sister of *maiestas*.²⁷ The circumstances of the case are admittedly nebulous, but given Tiberius' level hand for justice up to this point, and given the accusation's rather grim nature, it is an attractive hypothesis that Serenus the Elder's guilt was genuine.

Gaius Caligula

Libo Drusus and Vibius Serenus constitute the only two major “conspiracies” under Tiberius if we except Sejanus. The role of the *delator* in Sejanus' case, however, is so shrouded in mist as to be irrecoverable, even if we accept that there was a genuine conspiracy (see above, pp. 97–8). Antonia, Caenis, Satrius Secundus, all these names are associated with his fall, but what their roles were – that is beyond our ken. Nor is it much easier to recover the revelation and prosecution of conspiracies under Gaius. The opening of his reign started off well enough, with Gaius at one point even refusing a denunciation pertaining to his safety and stating that he would not be one who “had ears for *delatores*” (Suet. Cal. 15.4). Our sources indicate that that soon changed. The relatively short reign of Gaius was marked by several major conspiracies (or possible conspiracies), though the details of most of these are either entirely lost or confused at best. The first major “plot” to develop was that of Lentulus Gaetulicus, commander of Upper Germany, in 39. The precise nature of

Lentulus' conspiracy is unfortunately again shrouded in mystery; the extent to which Lentulus' conspiracy was even genuine is subject to dispute, and the *delator* who revealed it lost from view.²⁸ Gaetulicus was indeed linked with some prominent individuals, including Cornelius Sabinus and L. Apronius, the latter, like Gaetulicus, a former supporter of Sejanus. But there is no evidence that they formed a nexus or conspiratorial group. More likely is his link with the possible designs of Lepidus, husband of Gaius' sister, Drusilla, on the imperial throne.

A number of plots, whether real or imagined, are handed down to us from the final six months of Gaius' rule, and from these we can recover two instances of "delation." The first of these is the "conspiracy" in 40 involving Anicius Cerialis and Sextus Papinius (*PIR*² P 101). Dio is the source, but he gives a very confused account, merely stating that Gaius' behavior was bound to make him the object of plots and that he discovered a conspiracy planned by Anicius Cerialis and Sextus Papinius (whom Dio erroneously states was Anicius' son).²⁹ Dio says that Cerialis was executed when he refused to turn informer, while Papinius, receiving a pledge of immunity if he informed against the other conspirators, denounced his co-conspirators (*Dio* 59.25.5b; *Sen. Dial.* 5.18.3). Here Dio commits a double error, for Anicius was still alive and infamous for his betrayal of the present conspiracy as late as 66, when he was executed for involvement in the Pisonian conspiracy, while Seneca – who would be in a position to know – says that Gaius had Papinius (the son of a consul) tortured to death.

The second conspiracy, again in the second half of 40, was that of Betilinius Bassus (*PIR*² B 114); his father, Betilinius Capito (*PIR*² B 116), while he does not appear to have been a party to Bassus' plot, took advantage of it to turn *delator*, although it is unlikely that Tacitus (*inter alios*) would have viewed him as such. Bassus was caught and promptly executed; when the executioner was about to liquidate Capito, deemed guilty by association, he pretended to be a part of the conspiracy, and agreed to name names. Capito saw this as his opportunity to sow seeds of discord within the imperial court and to eliminate some of Gaius' more detestable courtiers; he falsely denounced certain companions of Gaius and those "who abetted his licentiousness and cruelty."³⁰ His denunciation, however, became suspicious when he named Callistus, a favorite freedman of Gaius', and Caesonia, the empress; he was executed, which Dio asserts hastened Gaius' assassination. His denunciation, however, may not have been completely off the mark. As Barrett (1989: 160) notes, Josephus clearly implicates Callistus in Cassius Chaerea's subsequently successful conspiracy.

The final plot itself, in fact, actually may have come very close to being revealed, for there was possibly a connection between Timidius' betrayal of Pomponius and Chaerea's plot.³¹ Josephus is our main source for the accusation, and he says that Timidius (acting out of enmity) accused Pomponius of libel against the princeps. The main witness against Pomponius was his own mistress,

Quintilia (*PIR*² Q 35), who, divulging nothing, bravely bore up under torture (called for by Timidius). Indeed, Gaius even remunerated her for her endurance. Now Quintilia supposedly gave a signal to Cassius Chaerea, Gaius' assassin, to reassure him of her loyalty under torture; the link between Quintilia and Chaerea, taken together with Dio's remark that Pomponius was actually guilty of conspiracy, surely suggests Pomponius was guilty as charged by Timidius (although he was acquitted by Gaius).

Claudius

The only large-scale conspiracy from Claudius' reign about which anything can be reconstructed is that of L. Arruntius Camillus Scribonianus (*PIR*² A 1140) in 42.³² Camillus' revolt was reportedly precipitated by Appius Silanus' summary execution on charges of conspiracy in 42.³³ The details of the plot, generally referred to as "the revolt of Camillus," indicate that the appellation is something of a misnomer. Annius Vinicianus appears to have been the brains behind the proposed rebellion; Annius was a relative of M. Vinicius, who had been proposed as a successor to Claudius upon Gaius' assassination (though Dio says that it was Vinicianus himself who had been proposed).³⁴ Yet it was Camillus, doubtless, who had the strongest claim on Claudius' position: he was descended from an ancient family; his father, M. Furius Camillus, defeated the African rebel Tacfarinas in 18, for which the senate granted him a triumph; his sister, Livia Medullina, had once been betrothed to Claudius but died before the marriage took place; his father by adoption, L. Arruntius, had been named by Augustus among his potential successors (*capaces imperii*); finally, he was descended from the republican dynast, Pompeius Magnus.³⁵ Annius and others in Rome in fact wrote to Camillus, then governor of Dalmatia, enlisting his support, and that of his army. Dio says Camillus was willing to give it since "he had been spoken of for emperor," but there was also an element of opposition against the princeps that had been handed down in his family, since L. Arruntius, his adoptive father, had committed suicide in 37 after leveling harsh words against Gaius, while the Scribonii had a tradition of opposition starting with Scribonius Libo in 16. (The motives of those involved will have been quite disparate: Camillus purportedly wanted to revert to republican government, but, as Levick [1990: 60] notes, in the course of Galaesus' interrogation in the senate it was clear he would simply have replaced Claudius.) Dio states that Camillus' revolt collapsed when he divulged to his men his intent to restore republican government and their ancient freedoms; they were not interested, and deserted Camillus, after which he fled to Issa and committed suicide. Vinicianus followed suit. The revolt fizzled within five days according to Suetonius, and Claudius now sought out those involved, and charged and executed them. Dio says that many senators and knights had joined Camillus' cause, and it is probably in this context, that is, in the wake of Camillus' conspiracy and the prosecutions following, that Seneca's criticism of Claudius

for the execution of so many knights and senators must be understood.³⁶ The trials were conducted in the senate before Claudius, his praefects, and his freedmen; Narcissus, Messalina, and Suillius were certainly involved. Both Narcissus and Messalina reportedly employed slaves and freedmen to denounce their masters.³⁷ Nor were the wives of the conspirators spared the ordeal of an investigation: Camillus' wife Vibia even volunteered to denounce conspirators to Claudius, earning a harsh rebuke from Arria, wife of A. Caecina Paetus, when both were interrogated *intra cubiculum*; Arria and Caecina ended their days with suicide.³⁸ They were not the only women to be tried in the rebellion's wake. A certain Cloatilla was brought before the senate and accused of burying her husband's body (hence possibly a *maiestas* charge against her); we do not know who her accusers were (though Marshall conjectures that it was Suillius), but Cn. Domitius Afer, the notorious Tiberian *delator*, was her defender.³⁹ We have at least one instance where Narcissus openly interrogated Galaesus, one of Camillus' freedmen. Suillius himself may have prosecuted Cornelius Lupus and Lusius Saturninus, two consulars who were possibly involved in the plot.⁴⁰ Whether Suillius' prosecution of Q. Pomponius Secundus came in the wake of Camillus' plot is less certain though unlikely; in 58 Suillius stood accused of driving him to civil war due to a harsh prosecution.⁴¹ But Suillius probably prosecuted him for his behavior after Gaius' assassination, when, as one of the consuls presiding over the senate, Pomponius exhorted that body to restore republican government, or at least choose a worthy successor; the prosecution might have driven him into Camillus' arms.⁴² If Claudius' measures in the rebellion's wake were harsh, it is understandable; our sources refer to the movement as nothing less than an attempt at civil war (Suet. *Claud.* 13.2; Tac. *Ann.* 12.52.2), and, as such, anyone charged should have been prosecuted under the law for *maiestas*.⁴³ Even if the measures taken were severe, one can scarcely blame Claudius or his ministers; armed rebellion, as was proved a generation later, could lead to civil war, threaten the empire's economic stability, and tear at its social fabric. Suillius, Narcissus, and others had been put to good use, for no more large-scale conspiracies plagued Claudius afterwards. As for the conspiracy L. Otho supposedly uncovered against the emperor's life, Suetonius only tells us that Otho fell out of favor after he executed some who helped suppress Camillus' revolt, and that he was restored to favor only after he extorted information from a group of slaves in an attempt to uncover a plot against Claudius' life (*Otho* 1). The senate afterwards paid Lucius the honor of setting up his statue in the palace, and Claudius raised him to patrician rank (his father was an equestrian). Nothing more is known about this mysterious episode, but it is possible that Lucius' action was in fact associated with Camillus' conspiracy; in the prosecutions following the rebellion's suppression he could have tried to make up for his initial disloyalty by extracting more information against the revolt's associates in Rome.⁴⁴

One other possible "conspiracy" under Claudius' regime was that of Appius Junius Silanus, which actually was said to have precipitated Camillus' revolt

and took place just before it in 42, but its circumstances are quite mysterious.⁴⁵ Silanus had already had a lengthy career by the time Claudius summoned him back from Spain, where he was governor, and married him to Messalina's mother, Domitia Lepida. According to Dio, Silanus offended Messalina when he refused her advances, and Silanus' slight also alienated him from Narcissus, who now joined league with Messalina against him. Since the two had no charge, Dio relates that they fabricated a dream in which Narcissus saw Silanus murder Claudius; in Dio's account Messalina exaggerates the dream's significance to the emperor, while in Suetonius' version she claims to have had a similar vision to that of Narcissus. Silanus was summarily executed. Now there is much that Suetonius and Dio do not tell us. Tacitus places the blame exclusively on Narcissus as Silanus' destroyer, and there does not appear to have been any formal trial, merely a denunciation and execution. But Claudius conceivably had good reasons for yielding to Narcissus' and Messalina's ostensibly absurd charge. Silanus, at the time of Claudius' accession, was governor of Spain with three legions. As Levick (1990: 59) has pointed out, Claudius' connecting Silanus to his own house could indicate anxiety on Claudius' part concerning both his background and the power behind him in Spain. Marriage to Messalina's mother made Silanus into an unlikely successor. In addition, McAlindon (1956: 119–20) notes that Silanus' family potentially harbored some animosity against the imperial family for the trial of the two Silani in 22 and 37, a further reason for Claudius to neutralize a potential opponent. It is possible, however, that Silanus' execution was in some way connected with Camillus' revolt in the same year. Dio says that it was Silanus' execution that precipitated Vinicianus – one of those proposed for the throne after Claudius – to plot revolution with Camillus.⁴⁶

Nero

The reign of Claudius' successor did not see any major conspiracies until that of Piso in 65. It was clearly a turning-point in Nero's reign, and a series of other, less well-documented conspiracies followed. The role *delatores* played in each of these conspiracies is (relatively speaking) known in some detail. The revelation of the Pisonian conspiracy, according to Tacitus, actually hinged on a failed prosecution of Seneca in 62 by a *delator* named Romanus. What charges Romanus brought up against Seneca Tacitus does not state; he simply paired Seneca's and Piso's name together and incriminated them on "secret charges."⁴⁷ According to Tacitus, the accusation, despite its failure, alarmed Piso and drove him to treachery against Nero, though Tacitus may be grasping for straws, since there was a lapse of nearly three years between Romanus' *delatio* and Piso's plot (although it is worth noting that it was Seneca's mere association with Piso which eventually led to his death). Moreover, Romanus' accusation is found in the final chapter of book fourteen of the *Annales* (the Pisonian conspiracy is related in the final third of book fifteen); Tacitus may not have been able to

resist highlighting Romanus' accusation in order to foreshadow Piso's conspiracy.

Though Piso was a central leader in the plot to assassinate Nero in 65, there was no universal rush to place imperial laurels on his head. Piso, of an old noble family, was of dubious moral character whose inclination towards luxury and lax morality were, according to Tacitus, conducive to many (*Ann.* 15.48.4). He does not appear to have shown much leadership in the course of the plot, and Dio does not even mention him, stating only that Rufus, Seneca, and some others were involved in a conspiracy against Nero in this year; moreover, according to Tacitus, Piso was constantly fearful of carrying out the plot due to potential rivals for the throne, in particular L. Junius Silanus, a direct descendant of Augustus (*Tac. Ann.* 15.52.3; cf. Dio 62.24).⁴⁸ M. Julius Vestinus Atticus (*PIR*² I 624), one of the consuls at the time, also caused Piso some concern. Vestinus had some old feuds with several of the conspirators who feared his "fierce nature"; their concern was that they would murder Nero, only to have a repetition of the scene after Gaius' death – that Vestinus would speak in the cause of liberty, or that amidst the deliberations concerning the selection of a princeps he would suggest someone other than Piso (*Tac. Ann.* 15.52.4–5). The attendant confusion over the leadership and the rivalries which dogged the conspiracy even made Tacitus, a (relatively) close contemporary, uncertain of how and by whom the plot was initiated.⁴⁹ It was not hard, however, for the plot to gain momentum; Nero was now so hated, according to Tacitus, that many were eager to throw in their lot against him, including a number of senators, knights, and members of the praetorian guard (*Tac. Ann.* 15.49.1). Some of the names involved early on, in addition to Piso's, were Subrius Flavius, a tribune of the praetorian cohorts, Sulpicius Asprus, a centurion, the poet Lucan, Plautius Lateranus, the consul designate, and Flavius Scaevinus and Afranius Quintianus, both senators. Each, as Tacitus notes, had their own motives, ranging from the personal to the ideological. In addition, Tacitus gives the names of seven equestrians also involved, the most important of whom, for our purposes, were Cervarius Proculus and Antonius Natalis.⁵⁰ The conspiracy infiltrated into the heart of the praetorian camp as well, and Tacitus gives us the names of three tribunes of the cohorts and three centurions involved in addition to Faenius Rufus, the praefect of the guards (who joined, Tacitus says, to avoid an imminent prosecution at the hands of Tigellinus for adultery with Agrippina). But the conspirators, while united in purpose, were discordant when it came to a means of carrying out their plan; the result was a hesitation that proved fatal.

While the conspirators demurred in their resolve, a woman involved in the plot named Epicharis tried to bring over the commander of the fleet at Misenum, Volusius Proculus.⁵¹ He seemed like a good target as a malcontent, since he had helped Nero in Agrippina's murder and felt that his reward fell short of his due. If he could be persuaded over to their side, his help in commandeering the loyalty of the fleet could be useful. She now revealed the

plot to him, and held out rewards if he could bring others in, though she did not reveal the names of any of her fellow conspirators. The move was miscalculated. Proculus now denounced Epicharis to Nero, though his denunciation was useless since he could give Nero no names; Epicharis for her part denied Proculus' claim – but Nero's suspicions were aroused, and she was kept in custody. Proculus' denunciation now forced the conspirators' hands, and they decided to assassinate Nero at the *ludi Cereales* at the circus.⁵²

The plot, however, was betrayed the very day before it was to be carried out, when Flavius Scaevinus had a lengthy conversation with Antonius Natalis, after which Scaevinus returned home. He proceeded to sign his will, ordered his dagger sharpened and bandages prepared, and then held an extravagant dinner where he freed his favorite slaves (the soon-to-be notorious Flavius Milichus among them) and gave others rewards of money (Tac. *Ann.* 15.54.1–4).⁵³ All of this aroused Milichus' suspicions, though Tacitus leaves open the possibility that he had known of the plot from the start. Milichus now took action, and Tacitus excoriates his lack of *fides*: his servile mind mulled over the rewards of his treachery, power and money among them, and these overrode considerations of his patron's safety and his liberty which had just been granted. Tacitus takes the opportunity to cast opprobrium against Milichus' wife, who urged him to make his denunciation before other slaves or freedmen in the same house anticipated him and were rewarded in his stead. Milichus denounced Scaevinus to Epaphroditus, one of Nero's freedmen, who admitted him to Nero; Milichus told Nero all he knew, and presented Scaevinus' dagger in evidence.⁵⁴ Nero had Scaevinus arrested and interrogated, and he was in fact on the verge of successfully refuting Milichus' story when Milichus' wife interrupted, stating that Scaevinus and Antonius Natalis had met at Natalis' house the day before. Nero now summoned Natalis, and both he and Scaevinus were interrogated separately about the nature of the previous day's discussion; both gave different versions of their conversation. They were now threatened with torture, and this opened the floodgates. Tigellinus and Faenius Rufus were the chief interrogators in the course of the investigation, and Faenius acted with particular ferocity against those involved to distance himself from the plot (Tac. *Ann.* 15.58.3). One of the first to be questioned was Natalis, who denounced numerous conspirators, and even some whose connection with the plot was tenuous, including Seneca. Epicharis was interrogated under torture, but kept silent; others, including Lucan, turned informer and denounced their fellow conspirators wholesale, tempted by bribes and offers of immunity which turned out to be hollow.⁵⁵ Lateranus, Senecio, Quintianus, Scaevinus, and Lucan all perished in their turn, along with the remaining conspirators. In the midst of the denunciations, Piso committed suicide. Cervarius Proculus was responsible for exposing the level of involvement among the praetorians when he denounced Faenius Rufus, who was now executed along with other members of the praetorians. In the coming days, Nero behaved, we are told, as an autocrat, visiting execution on mere suspects; accusations for involvement in the

Pisonian conspiracy were, in fact, to provide fodder for *delatores* well into the next year, long after Natalis and Cervarius had been pardoned and Milichus handsomely rewarded.

Tacitus makes no secret what he thinks of Milichus, whom he clearly sees as the prime mover in the conspiracy's betrayal, though his "case" against Milichus is not difficult to deconstruct. The security of the emperor – and of the empire – had been protected, and Milichus – and others like him – had little choice. Tacitus may speak of the *fides* of freedmen and slaves in the face of similar circumstances, but Milichus and the entire household faced torture and execution of the most excruciating sort if Scaevinus failed in his design. The recent fate of L. Pedanius Secundus' 400 slaves, all executed when one of their company murdered their master in 61, doubtless hovered before Milichus' eyes.⁵⁶ Contrary to Rudich's assertion, Milichus' denunciation scarcely shows a perversion of values; would it be any less perverse to forgo denunciation and allow one's fellow slaves, not to mention one's spouse, to be tortured to satisfy the dubious ambitions of one's former owner? Rudich (1993: 103) remarks that the advice of Milichus' wife to Milichus itself shows "the atmosphere of universal suspicion in which all these people, even those of lower rank lived." However, if there were suspicions, they were scarcely universal, and Scaevinus had done much to raise them. Nor was the cloud of "fear" slaves lived under unique to Nero's reign. We need only recall how very early on in Tiberius' reign, and probably well before, it had been a long-standing precedent to torture the slaves of a household if one of its members was under investigation for any number of charges ranging from conspiracy to adultery.

In the conspiracy's wake, some in the senate took the opportunity to denounce innocent parties, though this was nothing unusual.⁵⁷ It had been the same in the wake of Sejanus' fall, probably after Camillus' revolt, and, in the Republic, during times of crisis such as the Catilinarian conspiracy and proscriptions (see below, pp. 313, 316). Nor were all *delatores* given free reign. Soon after the conspiracy's collapse, Salienus Clemens attacked Junius Gallio, Seneca's brother (Tac. Ann. 15.73.4). He accused Gallio of being an enemy and a parricide of his nation, but the senate moved to stop Salienus in order that he not abuse public ills to satisfy a private hatred or provoke a recrudescence of cruelty when the emperor's wrath had just abated. Others continued to suffer in the wake of the Pisonian conspiracy, either enduring prosecution or being forced to suicide without facing a trial – such was the fate of Silanus, Petronius, Rufius Crispinus, Annaeus Mela (Lucan's father and Seneca's brother), and Anicius Cerialis, the hated betrayer of a plot against Gaius in late 40. In the case of Petronius, Tigellinus was able to induce one of his slaves to produce information, denouncing his friendship with Scaevinus.⁵⁸ The conspiracy may have had the effect of sharpening opposition, but if this is the case then it is not well documented, and somewhat sporadic.⁵⁹ In addition, we must remember that up until the Pisonian conspiracy Nero's reign had been relatively free from hardened opposition within the senate (see above, pp. 113–15), which in a

sense had only itself and its individual members to blame for the deterioration of relations with the princeps.

After Piso there appear to have been two further “plots” of which we know, but whether actual or merely suspected must remain an open question. The first is that of Ostorius Scapula and P. Anteius in 66, in which Antistius Sosianus, now in exile (see above, pp. 113–14), acted as *delator*.⁶⁰ Antistius knew a fellow exile, Pammenes, a well-known astrologer. Pammenes’ frequent visitors aroused Antistius’ suspicions, and he learned too that he was receiving an annual stipend from Anteius, whom Nero hated as a one-time supporter of his mother Agrippina, and who was also rich. Consequently, Anteius was an ideal target, according to Tacitus, for the *delator* to exploit Nero’s greed and hate. Antistius intercepted some of Anteius’ correspondence to Pammenes and secret documents concerning Anteius’ horoscope; in addition, he found information concerning Ostorius’ life and birth. Antistius wrote to Nero telling him that he had information of great import concerning his safety which he could relate if he were given a brief respite from his exile, and added that Anteius and Ostorius were threatening revolution and consulting about Caesar’s destiny. Nero wasted no time. He recalled Antistius and, to judge from Tacitus, all that was needed was a personal interview with Antistius for Nero to summarily condemn both. Anteius hastened his own end by poison and opening his veins. Ostorius was another matter: a physically powerful man, skilled in arms, with an excellent military reputation (he had won the civic crown in Britain), he was a particular concern for Nero, who sent a centurion (probably with a contingent of men) to close off his villa and give him his final orders, whereupon he fell on his sword.

Rudich argues that Antistius’ behavior “bears witness to the collapse of the traditional code of behavior, including the return of *beneficia*” – a view with which Tacitus would surely agree.⁶¹ But, we may fairly ask, when had “traditional codes of behavior” – whatever those might be – ever been a concern where personal ambitions – not to mention possible restoration from exile – were at stake? There was no more a perversion of values when Antistius betrayed Ostorius than when L. Opimius bid the senate to look to the safety of the state and murdered C. Sempronius Gracchus two centuries before. Better, Ostorius was acting suspiciously, and Antistius saw his ticket home.⁶² Finally, there is room for suspicion that Nero might have had good reason to go after Ostorius. First, we do not know, and Tacitus does not relate all the details of the letters Antistius intercepted. Second, consulting astrologers – as already pointed out – was always dealt with harshly. Then there was Ostorius’ noteworthy and worrisome military reputation, and the heavy guard under which he was placed during his *auto-da-fé*.⁶³ And Ostorius had, after all, moved to protect Antistius during the inquiry against him, making his loyalties suspect.⁶⁴ Taken collectively, Ostorius’ actions in conjunction with his military reputation will have been enough to incriminate him under any emperor. Even stripping away everything else, the charges alone of astrology would have been sufficiently

damning, given the number of corpses astrological consultations had by now strewn in their path.⁶⁵

The only other “large-scale” plot we know of under Nero is the nebulous conspiracy of Vinicianus (*coniuratio Viniciana*).⁶⁶ The leader (or at least eponymous conspirator) was most likely Annius Vinicianus, who was distantly related to M. Vinicius, husband to Julia Livilla, Gaius’ sister. Vinicianus was, in addition, Domitius Corbulo’s son-in-law, and some have seen Corbulo’s hand in the plot.⁶⁷ Scholars conjecture that Salvidienus Orfitus was involved; two brothers, Proculus and Rufus Sulpicius Scribonius, are also implicated. To the list of suspects we can add M. Crassus Frugi and Sulpicius Camerinus. Whether the conspiracy dates to later in 66 or to 67 when Nero was in Greece is not certain; nor is it certain if there is a connection between this plot and a number of individually attested trials and executions at this time.⁶⁸ In these cases the soon-to-be-infamous *delator* M. Aquilius Regulus appears at the forefront; Vibius Crispus and Paccius Africanus are also named. Behind the activities of the *delatores* at this time lurks Helius, Nero’s freedman, pointing out those he wanted prosecuted, with Regulus as a particularly favored protégé (Dio 63.18.2).⁶⁹

It was Regulus who charged Orfitus with leasing three shops that were part of his house near the Forum for the purpose of conspiracy; the site could have had some strategic importance in the event of a *coup* or assassination.⁷⁰ The likelihood that this was part of the *coniuratio Viniciana* is nevertheless small, if we can trust Suetonius, who clearly puts Orfitus’ accusation after Vinicianus’ conspiracy at Beneventum; moreover Tacitus, who has Montanus refer to “the ruined house of the Orfiti” in his attack on Regulus, makes no mention of Vinicianus (Suet. *Nero* 37.1). In addition, Tacitus only credits Regulus with Orfitus’ demise, not with putting down Vinicianus’ conspiracy, although Vinicianus and Orfitus could have been charged separately but in association with the same plot.

Whether the Scribonii were involved is equally in dispute, though any conspiracy which was hoping to succeed through overwhelming support of military force would have welcomed their inclusion. The brothers Scribonii were powerful and well connected, both having been in control of the two German provinces for eight years.⁷¹ Moreover, as Rudich (1993: 200) has pointed out, the coincidence of the name Scribonii in proximity with the *coniuratio Viniciana* brings to mind the previous conspiracy of Camillus under Claudius with similar alliances. The Scribonii were no mean backers, nor was it unheard of for governors of that province, such as Lentulus Gaetulicus before them, to find themselves accused of disloyalty. Paccius Africanus and Vibius Crispus were their accusers (Dio 63.17.2–3; Tac. *Hist.* 4.41.3), though again, the precise charges are uncertain; nobility of birth, family enmity with the princeps, and the control for eight years of the German provinces will have proved unsettling to Nero. Both were driven to suicide. An indication of their guilt could be the simple fact that neither Vibius Crispus nor Paccius Africanus

incurred major penalties (of a permanently debilitating sort) as a result of their prosecution. Moreover, both could have been hated as much for revealing a genuine plot (as had been the case with Anicius Cerialis) as for prosecuting innocent parties.

Domitius Corbulo's role in the *coniuratio Viniciana* is vexed at best. We know that Arrius Varus denounced Domitius Corbulo, who was summoned to Corinth, where Nero had him executed. It is possible that Corbulo was implicated simply by association, since Annus Vinicianus, as noted, was married to Corbulo's daughter, and this seems the most likely solution.⁷² Unfortunately for Corbulo, he had many incriminating family connections which Arrius no doubt was able to exploit; his stepsister, Caesonia, had even been the emperor Gaius' wife. Vinicianus was also the son of one of Camillus' partisans (L. Annus Vinicianus, see *PIR*² A 701), to whom Corbulo's daughter was married; in turn, Vinicianus' brother was Barea Soranus' son-in-law, Annus Pollio, and Corbulo's nephew was Glitius Gallus – both had been involved in Piso's plot.⁷³ In addition to incriminating family connections, Corbulo had kept company with Rubellius Plautus, Barea Soranus, and Antistius Vetus.⁷⁴ As the most popular and successful commander of his day with such connections, it is little wonder Arrius Varus was able to exploit them and effect Corbulo's death. In addition, Rudich (1993: 199) has recently suggested that those involved in the *coniuratio Viniciana* considered Corbulo their candidate for the purple without his knowledge, and that this was known to Nero. Be that as it may, it is certainly reasonable that Corbulo was a serious contender for Nero's position, given his popularity and his connections, and Arrius will have easily been able to construct a plausible case against him.⁷⁵

Crassus Frugi, consul in 64, was Sulpicia Praetextata's husband; it was she who entered the senate in 70 seething for vengeance against Regulus.⁷⁶ She was possibly related to the brothers Scribonii, and we may conjecture a connection between her husband, Crassus, and the two governors of Germany. They all may have been involved together in conspiratorial activity. It is not difficult to appreciate why Crassus would have been welcome in any plot against the princeps; he will have brought a name, authority, and close proximity to the centers of power. His brother, Cn. Pompeius Magnus, had long been connected to the imperial house by marriage to Claudius' daughter Antonia, and he was clearly marked out as close to the throne, if not a possible successor under Claudius.⁷⁷ He could, in consequence of his family's proximity to the throne, have posed a genuine threat to Nero's now increasingly unstable position. Nero's freedman Helius also tried Sulpicius Camerinus, a man of consular standing, while the emperor was in Greece in 67 (Dio 62.18.2), and Regulus was Camerinus' prosecutor (Plin. *Ep.* 1.5.3; Tac. *Hist.* 4.42).⁷⁸ Helius had Camerinus charged on the grounds that he refused to give up his cognomen of Pythicus, something that allegedly constituted a slight against Nero's victories at the Pythian games. Camerinus was executed together with his son. There are two alternatives to how we take these prosecutions of Crassus and Camerinus.

The least likely scenario is that they were independent of one another. More likely is a situation in which one or more of the Sulpicii were involved in a conspiracy (probably but not necessarily that of Vinicianus).

The year 69 and the Flavians

After Nero there are very few conspiracies of any substance that come down to us where we can see the *delator* play a substantive role. In the turmoil of 69, a number of cases, of dubious value at best, arose in which individuals were accused of conspiracy against the princeps. One of the cases Vitellius himself instigated when he ordered Plancius Varus to prosecute Cornelius Dolabella, a close friend of Varus. The charge was that Dolabella, who had been confined to custody at Ostia, had escaped in order to make a bid for the leadership of Otho's now defeated party, an accusation that Tacitus states was without foundation. Tacitus attributes Dolabella's prosecution and subsequent execution to Vitellius' hatred, since Dolabella had married his former wife, Petronia. Less compelling was Hilarus' accusation (also under Vitellius) against Cluvius Rufus, that Rufus was aiming for supreme power with the Spanish provinces as his base; Vitellius dismissed the charge, punished Hilarus (even though he was his freedman), and allowed Cluvius to keep his province.

The only case of anything approaching conspiracy under Vespasian and Titus is one in which the notorious *delator*, Epirus Marcellus, was himself the victim of his own plotting, with a heavy dose of partisan politics thrown in for good measure.⁷⁹ Epirus and Caecina Alienus, his alleged accomplice, were among Vespasian's closest *amici*, and in high standing at court (Dio 66.16.3). But in mid-79 Vespasian was possibly in ill-health, and Titus was by no means a popular figure. Epirus and Alienus appear now to have exploited these circumstances and conspired against the imperial house, though the precise nature of their actions is shrouded in fog with no satisfactory solution.⁸⁰ Jones (1984a: 92–3) has conjectured that Epirus had helped to secure the return of Diogenes and Heras, two Cynic philosophers who tried to arouse hostility against Titus (and Berenice) and weaken his position. Consequently, Vespasian possibly viewed the move as an attempt to interfere with the succession, something that, as the case of Helvidius showed (see above, p. 127), Vespasian dealt with harshly. The difficulty with this scenario, as Jones himself notes, is that there is nothing to connect Alienus and Epirus with Heras and Diogenes. Whatever Caecina's and Epirus' intent, it clearly concerned Titus, and before either could take any action Titus anticipated them. Caecina was murdered in Titus' dining room, while Epirus, whose role in the whole affair is uncertain, at least enjoyed the privilege of a trial before cutting his throat with a razor.⁸¹ After it was over, Titus produced a copy of a speech Caecina had written to deliver to the soldiers (probably of the praetorian camp), and Dio says that Caecina actually had his soldiers standing in readiness even as he dined in the palace. The conspiracy threatened the whole future of the dynasty, and

although, as Suetonius notes, Titus initially incurred resentment for his action, he also secured his safety (*Tit.* 6.2). As Bauman remarks (1974: 214–15; cf. 158–9) it could have been this (amongst other things) which led the senate to demand Titus’ oath not to put senators to death upon his accession. We have no clue who betrayed the conspiracy, though it could have been in an effort to deal with misgivings about how the conspiracy had been betrayed that Titus brutally punished *delatores* upon his accession. After Titus, any further information concerning the role of the *delator* in conspiracies fails us. Domitian was indeed the object of several conspiracies, and made the famous lament that it was the lot of the princeps not to be believed concerning plots unless successful. Unfortunately the role of the *delator* and even the nature of the conspiracies from his reign are virtually irrecoverable.⁸²

Conclusion

Tacitus is hard on those who betray conspiracies – or possible conspiracies – to the authorities. Milichus, Libo’s prosecutors, Vibius Serenus the Younger – all are maligned unabashedly. Perhaps nowhere is Tacitus’ rhetoric more misplaced and his analysis more flawed; as the blood flowed from Caesar’s wounds, so flowed with it any notions that Rome’s government could ever revert to what it previously had been. Octavian and Antony never entered into discussion about restoring republican government, now a dead letter. We need only look back to the brutal civil wars following the deaths of Caesar and, later, Nero, to appreciate that the *delator*, while he might have worked to the advantage of one whom the senate detested as a tyrant, protected the state from a far worse alternative. The cases of Gaius and Domitian also show that assassination, even when it did not result necessarily in civil war, could entail a dangerous crisis in the succession with the potential for an explosive situation which could only be diffused with the greatest of difficulties – and never without the menace of great violence. The negotiations between Claudius, the praetorians, and the senate after Gaius’ death, and the praetorian’s humiliation of Nerva after Domitian’s assassination (along with rumors concerning the ambitions of a governor in the East) serve to highlight just how delicate the circumstances could be when murder converged with no arrangements for succession.⁸³ *Delatores* at times may have protected bad emperors, but the evil they sought to protect – a Domitian or a Nero – was one they knew, keeping shut the dark door of war and civil strife.

EPILOGUE

Continuity and change

Now we are safe: the *delatores* are fearful! So that we are safe, let the *delatores* be fearful! So that we are unharmed, let the *delatores* be expelled from the senate, to the cudgel with the *delatores*! With you unharmed, to the lions with the *delatores*! With you as emperor, to the cudgel with the *delatores*!

(*Scriptores Historiae Augustae*, Commodus Antoninus 18.15)

Until this moment, Senator, I think I never really gauged your cruelty or your recklessness ... You have done enough. Have you no sense of decency, sir, at long last? Have you no sense of decency?

(Joseph N. Welch, Chief Attorney for the US Army)

Following Domitian's death, where our story ends, there was a brief moment of rejoicing. Nerva released all who were on trial for *maiestas* and restored those exiled for the same offense (Dio 68.1); at the same time, he executed all the slaves and freedmen who had conspired against their masters (which no doubt included those who had acted as informants). In addition, he prohibited all slaves and freedmen from denouncing their masters, and prosecutions for *maiestas* were abolished. Many of those who had made their living through informing were executed, and the retributions did not end entirely until Trajan's spectacular punishment of *delatores* in the arena after Nerva's death (see below, pp. 305–6). But the history of *delatores* does not end with our study at the year 96. The presence of *delatores* was to continue through the Byzantine period. If Tacitus could speak of a Baebius, a Carus, or a Catullus Messalinus in his own age, in a later age the senate, sitting as a body, could still demand the punishment of *delatores*, as it did in the wake of Commodus' assassination in 192. The senate's refrain related in Commodus' *vita* (cited above) seems almost formulaic, and by the time the *vitae* in the *Historiae Augustae* were written, it might well have been. If the pages of Tacitus are replete with the likes of Domitius Afer, Suillius Rufus, and Eprius Marcellus, the pages of Ammianus Marcellinus also present us with sinister courtiers such as Paulus Catena ("Paul the Chain"), a notorious informant in the time of Constantius and Gallus (14.5.6–8).

Such persistence is not surprising, given the conservative nature of Roman society, and given the fact that Roman politics was stubbornly competitive throughout Rome's history. In the period this study has examined, we have seen that the culture still demanded – as during the Republic – that a man leave his mark. The political climber still sought *dignitas*, *auctoritas*, *fama*, even *clientelae* in an effort to win repute and rank. There was nothing new in that. What changed was that he could not surpass the princeps in any of these areas, and was, *de facto*, the emperor's client. Politically, he was obligated to serve him to the best of his abilities, to show his *fides* by giving political support to his patron. Many were content to serve him as such, realizing that, in the past, unbridled and fierce competition within the senate had led to catastrophe (Tac. Ann. 1.2). Now, instead of striving to become *princeps senatus*, a man could endeavor to become a member of the emperor's inner circle, or counted among the princeps' *amici*, as was the case with Eprius Marcellus and Vibius Crispus. It was not a bad trade-off.

As for other motives that could move a man to prosecute, we have seen that *inimicitia*, revenge, and *pietas* – as under the Republic – could and did motivate prosecutors under the Empire. Such motives did not die easily, and were deeply embedded in Roman culture and in the Roman psyche; these motives are sometimes suppressed or played down in our sources, occasionally in the interest of vilifying the princeps or his ministers. Such was the situation, as we noted, in the case of Cossutianus Capito against Thrasea Paetus, and Visellius Varro against C. Silius, when the prosecutors were certainly motivated by personal grievances against the accused.

On the whole, we should be dubious of any claim that the *delator* contributed substantially to the decline of senatorial (i.e. political) liberty, something which had already had substantial limits set on it by Caesar's day. The senate was largely a self-censoring body, and generally compliant with the princeps' desires; the habit of servitude, according to Tacitus, had already become entrenched during Augustus' tenure, prior (supposedly) to the *delator's* advent (Tac. Ann. 1.2.1).¹ Indeed, Tacitus himself says that liberty was something that had been in abeyance since the advent of Sulla and Pompey (*Dial.* 38.2; *Hist.* 2.38.1), while freedom of expression sunk with Antony's ships at Actium (*Hist.* 1.1.1). The senate needed no *delator* to show it the way to *adulatio*. There is no doubt, though, that some *delatores* sought imperial favor through prosecution in an effort to please the princeps. We may suspect, consequently, that Cossutianus Capito's prosecution of Antistius Sosianus, to cite but one example, was an effort on Capito's part to show his loyalty to the new regime that had recently restored him from exile – although one could argue that that was merely a *quid pro quo*, an attempt by a client to show *fides* for his princeps' *beneficium*. Although a case such as Abudius Ruso's shows that even this sort of *adulatio* carried risks (see above, p. 100). Nor is there any doubt that a prosecution could intimidate the senate, as occurred late in the reigns of Tiberius, Nero, and Domitian, with public charges being used to satisfy personal enmities,

something Tacitus abhors. Moreover, the evidence certainly points to the fact that prosecution surely could entail much more lethal consequences than it could under the Republic – although suicide or exile were not punishments unique to the Early Empire.

In the area of the written word, it is difficult to state with certainty whether any senator fell prey to a *delator* purely on charges of literary output directed against the princes. As cases such as those against Arulenus Rusticus or Cremutius Cordus (and against men of lower status, such as Clutorius Priscus) show, other causes potentially lurked behind such prosecutions. It is worth noting in this regard that Ovid could remark that his denunciation was centered around a *carmen et error* – and was probably more a matter of *error* than *carmen*, which was likely used as a mere pretext, foreshadowing subsequent cases under Tiberius and other emperors. Furthermore, if words against the *principes* were indeed “delated,” so too were words against *inlustres* in general, as in the cases of Cassius Severus and Fabricius Veiento. Yet we must recall that little is known concerning these cases; they could have been genuinely guilty of libel, a crime still prosecuted (with varying penalties) in modern society. In addition, we must remember that there was strict censorship of the written (and spoken) word for *humiliores* at all times throughout Rome’s history. If there was suppression, however, then it was not wholesale, but rather haphazard and periodic, although it must be noted that there certainly were hazards to writing a candid history of a given princeps who still lived and breathed, as Tacitus’ own feelings of insecurity in writing a history or even his father-in-law’s biography under Domitian attest. But even under “good” emperors it was unsafe to write about them honestly, and senators from Augustus’ time on appear to have been self-censoring in this area, something Tacitus also notes (*Ann.* 1.1.4–5).² On the other hand, “bad” emperors, such as Nero, were occasionally tolerant of malicious lampoons directed against them.

There is no denying that personal liberties were indeed curtailed. Certainly the intrusion into personal life by the state was further institutionalized and rendered more obnoxious once Augustus passed his legislation governing marriage and morality. Yet this was an unsurprising conclusion to an inclination the Romans previously had shown during the Republic to intrude in personal and family life, and was already institutionalized, most famously, in the censorship. Moreover, against Tacitus’ lament over the enforcement of laws such as the *lex Papia Poppaea* and the threat such a law posed to status, one must set in the balance the claims of numerous provincials against his senatorial brethren. Senators at times had little compunction about building their fortunes on the backs of Bithynia, Baetica, and Asia, among other provinces. If the *delator*’s enforcement of certain laws proved injurious to senatorial claims to privilege, then it must be noted in fairness that the *delatores*’ active use, for example, of the charge *de repetundis* was – as Tacitus and Pliny themselves knew – a distinct and welcome improvement over the Republic. When Tacitus deplores the trials of senators charged with extortion, even when guilty, and

gives little heed to the claims of provincials, then we need to be alerted that issues of class, status, and privilege are very much at work. The *delator* put a check on the ambitious, on the criminal, on the treacherous, and on the fractious within the senate. Those cases where *delatores* are without any genuine claim at all against a defendant are relatively few, and false accusations are soundly punished.

What had changed was the increased scope for prosecution under the Principate. Laws were put on the books in increasing numbers. This trend, however, is already detectable in the Republic, starting in 149 BC with the establishment of the *quaestio de repetundis* and the subsequent laws legislating treason, violence, electoral corruption, and other offenses. The trend towards moral legislation arguably started even before then – the *lex Oppia* regulating luxury was, recall, a product of the high Republic. The greater the number of laws, naturally the greater the opportunity for prosecution. It is worth noting, however, that the apex of legislation enabling delation came from not a Gaius or a Nero, but Augustus. It was left to those emperors after Augustus, however, to decide to what extent to enforce existing legislation and how to interpret it – something which could and did at times broaden the scope for prosecution.

As for those prosecutions involving members of the imperial family, they might appall, but there was often good reason for them. If we are to chastise Tiberius, Messalina, Agrippina the Younger, and Nero for the elimination of rival claimants with the occasional help of *delatores*, we must also recall that Augustus had cause to move against dissidents and rivals within his own family as well. He was, after all, responsible for the banishment of his own grandson, Agrippa Postumus, for the exile of his daughter Julia, and later her daughter (Julia the Younger) as well. The enforced deaths of family members or those closely connected to the imperial court (such as Iullus Antonius under Augustus) was a not entirely unusual, albeit an unsavory aspect of the Early Principate. When Augustus excoriates Claudius in the *Apocolocyntosis* for the murder of his grandchildren, we would do well to remember that Claudius had done little more than what Augustus himself had done. The *delator's* role in all of this is reflective of nothing more than the inherent nature of the Principate which demanded that the princeps have a secure position against rivals (or potential rivals) within his own house. The readiness of inter-familial rivals, such as Domitia Lepida, to attack a competitor such as Agrippina, gives little confidence that any other potential claimant, given the opportunity, would have responded differently in the same situation considering the lethal nature of court politics.

Yet it is extremely important to note that, while such action was indeed taken against members of the imperial family and their kin, such action against a senator is almost unheard of. Emperors almost never (the case of Protogenes being an exception) summarily condemned or executed individuals of high status without some form of due process – primitive though it may have been. Moreover, as a tyranny goes, the nature of the Roman legal system, which

lacked a state prosecutor, rendered it an inefficient despotism. There is no Soviet bureaucracy to seek out and destroy dissidents systematically, no “Night of the Long Knives” in which political enemies are “liquidated” *en masse*. That is not to say that the emperor could not request individuals to undertake prosecutions, but the number of cases where the emperor is directly involved are relatively few, and a senator, at least under a “good” emperor, was theoretically free to refuse an imperial request to prosecute.

Throughout the course of this study we have focused on a single aspect of the imperial period. The danger in so doing is that we rarely take our eyes off the trees of individual prosecutions at the expense of the forest that was the Principate. Did the individual cases prosecuted by *delatores* create a cumulative sum of a greater evil? The response to that question must remain open, and inevitably throws into relief our inability to respond to it with any degree of certitude. A major difficulty is that the presentation of court cases within our sources is, on the whole, highly problematic, allowing in certain instances any number of interpretations. Add to this the simple fact that our sources, such as Tacitus and Pliny, are generally quite hostile to the princeps and his supporters. None of this is to put a gloss on the occasionally horrific nature of Roman politics in the first century AD. There is no denying, for example, that the reign of Gaius was short, nasty, and brutish, and his personal behavior offensive both to the people and to the senate. Nonetheless, the role of the *delator* in assisting him is moot; there can be no doubt, admittedly, that characters such as Protogenes were active under Gaius, and that they terrified the senate, but *delatores* of his kind are so few as to constitute an aberration, and the short reign of Gaius was a lesson that tyranny would only be tolerated so far. On the whole, however, imperial oppression came from the potential for violence more than from its realization. There was no need to employ a *delator* to intimidate further a governing body that Augustus had already habituated to servitude.

What most complicates the matter for us, however, is the understanding of liberty and tyranny for ourselves versus the Romans’ understanding of these two concepts. Ultimately, it is extremely difficult for us to draw any parallel between, and pass any judgment on, a society whose values were utterly alien from our own, even if that society has bequeathed to us the heritage of liberal democracy and republican government in the modern sense. Freedom and tyranny mean very different things for Tacitus than they do for us; the *libertas* Tacitus so cherishes is not an unqualified moral absolute. In Roman society freedom – both political freedom and freedom of expression – was the possession of a privileged few, and in that sense, any “tyranny” was bound only to afflict, in general, the ruling class. The question for us is, can we empathize with the ruling minority, given the gross disparity in our system of values, when they find their personal liberties under attack? Can we – and should we – look past our own values, put ourselves into the mind of one living in the first century, such as Tacitus, and view the matter only from within that society and within the historical space it occupies with all its limitations? If so, ought we

not bear in mind in the process that the idea of liberty in Roman society, as it comes down to us, is an idea of liberty represented only by the smallest fraction of individuals? Adding to the difficulty in our understanding is that our own liberal values stand in the long shadow of the twentieth century when repressive governments have worked their malice to the fullest extent they can without extinguishing humanity wholesale. This naturally tends to lead us to an almost instinctive sympathy with any opposition to a given regime. Our own times support the ancient prejudices against *delatores*, for various and sometimes different reasons. The question for us is, should our sympathy be extended to a society where freedom was an exclusive notion, where the most that the majority could hope for was a measure of order and economic stability enabling them a reasonably comfortable existence? With whom do we side?

In the final analysis, the individual of the modern world, in confronting the past, must remain unsatisfied, and recognize that there stands a vast ideological dissonance between ourselves and those living in the first century AD that cannot be bridged. There is an irresolvable moral and ethical ambiguity for moderns that sets the claims of freedom by someone such as Tacitus against the closely guarded privileges he enjoyed as a member of Rome's ruling elite. It should be pointed out, however, that in general the *principes* – even at their worst – were an improvement over what had preceded. The Late Republic had seen thousands of citizens slaughtered in the interest of the *dignitas* and *auctoritas* of a handful of individual senators. The senate did not shy away from massacring the followers of the Gracchi. Sulla's short-lived proscriptions, by all accounts, were more sanguine than Gaius' four years. Caesar, for the sake of his own *dignitas* and political survival, had little compunction about committing to slaughter more men in a single morning than all the emperors from Tiberius to Domitian combined, and, if we can trust the record, his opponents, had they won the day, would have proven equally bloody. The senate had shown itself irresponsible with *libertas* and unequal to the task of Empire. If the Principate was a "system of evil," under whom only a relatively small handful of senators suffered, and many if not most of those justly at that, how are we to view the last age of the "free" state? It is important to remember that, even under the Principate, those senators who were most vocal in their demand for the respect of their own liberties were among those most ready to deny the same liberties to others: each senator owned human chattel, asserted his status and privileges in numerous and invidious ways, and was a member of a miniscule elite that controlled, along with the princeps, the vast majority of the resources of the Mediterranean basin. We need lose no sleep when a slave denounces his *dominus*.

Moreover, if the experience of our own time teaches us to be suspicious of centralized power, we must recall that, while Rome was certainly a monarchy after Augustus' settlement, it was, in a sense, a system of shared power as well, in which the senate occupied an admittedly much lesser, but still extremely important position. The center of power in Rome was to be found in two places,

the Palatine and the Curia. We should trust neither. Given the fact, however, that we have almost exclusively the senatorial side of the story, we must maintain a healthy skepticism of how that order depicts its own history in the first century AD. We have no history or memoir from the hand of an Eprius Marcellus, Suillius Rufus, or Fulcinus Trio to give their version of events. Were Marius Priscus to have written a history of Trajan's regime, we may wonder how Tacitus and Pliny might have been portrayed, in light of their successful prosecution of him for extortion in 100.³ In a very real sense, however, the most successful *delatores* survived and thrived, for what is Tacitus' account of the early *principes* if not a gathering of evidence designed – like Cossutianus' denunciation of Thrasea – to make a powerful case before his presumably senatorial audience against them? What is his purpose if not to denounce, to “out” – to “delate” – the early *principes*? What drives him, if not the same cultural dynamics that impelled his fellow prosecutors during the Principate? And let us not doubt that the *Agricola*, *Historiae*, and *Annales* are just that – prosecutions. This should be surprising to no one. Given Tacitus' rhetorical power, his reputation as an orator under Domitian, and his apparent eloquence as Priscus' prosecutor, how else are we to take the cases he makes against Domitian, Tiberius, and Nero – especially when his presentation draws heavily on those elements rhetorical theorists noted were essential to prosecution, such as *indignatio* and *innuendo*?⁴ It is clear, moreover, that some of the deeper cultural fundamentals which always had motivated prosecutions are present in his works, including enmity, *pietas*, desire to make a lasting name for himself, and *fides* towards his patron the princeps.⁵ One thing *delatores* certainly were not, and that is instruments of terror and tyranny comparable to those of modern police states. Parallels or analogies with the Gestapo, the Stazi, the KGB, or McCarthyite zealots are inapplicable. Rome was certainly not a free society, but it was no “Salem on the Tiber” either, and it is too much of a burden to ask our sources to sustain such parallels; a more mundane (though also more complex) reality appears before us.⁶ Personal enmities and vendettas, court intrigue, genuine attempts to punish injustice – for the most part this is not the stuff of tyranny, but of Roman law, politics, and culture.

Part II

DELATORES

A prosopographical survey

The individuals included in this section are arranged alphabetically according to their gentilicium (i.e. the name of their clan) or, if unknown, their praenomen (first name) or cognomen (surname). The majority of these are preceded by three sets of bibliographies: we first list the primary sources in chronological order according to author and, if there is more than one work by an author cited, according to the order in which they were written; a bibliography of secondary scholarship follows in alphabetical order; finally, we list any *PIR* or *RE* references, and these are followed by any available (and significant) epigraphic references. Any name that is uncertain is followed by a question mark in parentheses; a question mark in brackets follows the name of any individual whose status as a *delator* is uncertain. Several *delatores* (real or imagined) active before the time frame of this study (all from the Augustan period) are also included. I have tried to be comprehensive but not exhaustive in the compiling of the secondary references, citing those with the most significant, extended, or relevant discussion of a given *delator* or the case in which he was involved. For a discussion concerning the criteria used for the classification of an individual as a *delator*, see above, pp. 9–13.

1 Abudius Ruso

Tac. Ann. 6.30.2–7.

Köstermann 1965: 312–13; Rogers 1935: 154–5; Seager 1972: 236.

*PIR*² A 17; *RE* 1¹.125 = Abudius (Rohden); *CIL* 5.328 = *ILS* 3290.

We know nothing concerning Ruso's family background or his early life. He had already served in the early 30s as a legate under Lentulus Gaetulicus (*PIR*² C 1390), commander of the legions of Upper Germany, and had been aedile (Köstermann conjectures before his service under Lentulus), when he accused his former commander in 34 (see above, p. 100 for discussion). The attack seems to have taken the ugly form of blackmail. Tacitus indicates that Abudius had threatened to denounce Gaetulicus for betrothing his daughter to Sejanus'

son. Ruso was condemned and exiled and Gaetulicus kept his province; nothing more is heard of Ruso or any possible descendants. There is a difficulty under what charge Ruso was condemned, since the indictment against Gaetulicus appears never to have been formally accepted (although, according to Tacitus, Gaetulicus went so far as to send Tiberius a letter in defense); if the charge was accepted and then deemed false, we can tentatively conclude that Ruso was condemned for *calumnia* (the possibility remains, however, that Ruso was tried and convicted on another charge unknown to us). Contra the *PIR* entry, Abudius is surely not to be identified with the *CIL* citation; the full name of the Abudius in that inscription is T. Abudius Verus.

2 Mamercus Aemilius Scaurus

Sen. *Contr.* 1.2.22; 2.1.39; 9.5.17; 10 *pr.* 2–3; 10.1.9; 10.2.19; *Suas.* 2.22; *Ben.* 4.31.3–5; *Ep.* 29.6; *Petron.* 77.5(?); *Tac. Ann.* 1.13.4–5; 3.23.3; 3.31.5–6; 3.66.1–3; 6.9.5–7; 6.29.4–7; *Suet. Tib.* 61.3; *Tertull. de Pall.* 5; *Dio* 58.24.3–5.

Badian 1958: 216–20; Bauman 1974: 92–9, 126–8; Brunt 1961: 200; Köstermann 1963: 112, 548–9; 1965: 310–11; Levick 1976a: 78, 171, 190, 192, 213–14; Marsh 1931: 215–16, 275–7, 286–7; Rogers 1933b: 25–6; 1935: 66–70; Seager 1972: 159–61; Syme 1958: 323, 336–7, 571, 574; 1986: 134, 137, 193, 267, 293; Woodman and Martin 1996: 211–12, 458–61.

*PIR*² A 404; *RE* 1¹.583–4 = Aemilius 139 (Rohden); *CIL* 4.1553; 6.2023b (cf. 6.32339); 6.23073; 6.34318; 14.1553.

Scaurus came from an ancient and noble republican family, hence Tacitus remarks that his actions as an *accusator* were particularly shameful. His first recorded action is a statement made to Tiberius upon his succession in the senate which Tacitus says embarrassed and angered Tiberius (*Ann.* 1.13.4–5): Scaurus remarked Tiberius' restraint in using the tribunician veto, thereby allowing the consuls to conduct senatorial business. Tiberius understood Scaurus' remark as a reminder of his position as an autocrat, something Tiberius had been studiously attempting to suppress. His activities in the senate during the succession lead Syme to conjecture that he held the praetorship in 14 (1986: 267). Tacitus says that at the outset of Tiberius' reign Scaurus was a victim of Tiberius' stored up hatred, but this is unlikely since Scaurus did not fall until late in his tenure. Indeed, Scaurus' wife, Aemilia Lepida (*PIR*² A 420), tried in 20 for, among other things, adultery, poisoning, and consultation of astrologers (*Tac. Ann.* 3.22.2; see above, pp. 91–2), and interdicted from fire and water, was conceded her property out of respect for Scaurus, who had a daughter by her. In the next year he held the office of consul *suffectus* (he appears to have been in office in June and July of that year [*CIL* 6.2023b; 4.1553], with Cn. Tremellius as colleague), and was numbered among the *fratres Arvales* (*CIL* 6.2023b). He was next involved in a seemingly petty quarrel

between Domitius Corbulo and L. Sulla; Corbulo was angered at Sulla for not relinquishing his seat to him at a gladiatorial contest, and Scaurus, who was both Sulla's uncle and stepfather (having married his brother's wife, Sextia, soon after he divorced Lepida [Tac. *Ann.* 6.29.7]), settled the dispute to Corbulo's satisfaction (Tac. *Ann.* 3.31). Regrettably for Scaurus, he besmirched his family name by turning *accusator* against C. Junius Silanus (PIR² I 825; RE 10.1087–8 = Iunius 158 [Hohl]) in 22 for *repetundae* (Tac. *Ann.* 3.66.2; cf. *Ann.* 6.29.3; cf. above, p. 68); the task should have been left to men of lower status, not a consular (see Levick 1976a: 190; Syme 1986: 267, 293). His fellow prosecutors included Bruttidius Niger and Junius Otho (*q.v.*, they added the charge of *maiestas*), as well as Gellius Publicola (PIR² G 133) and M. Paconius (PIR² P 26). Scaurus no doubt worked closely with Paconius and Gellius, who will have had firsthand knowledge of Silanus' maladministration in Asia, since they were a part of his staff. In the case against Silanus, Tacitus depicts Scaurus as none too competent, for he cites precedents in building his case for maladministration in which two out of the three accusers lost their prosecution (citing Scipio Aemilianus' prosecution of L. Cotta, Cato the Elder's of Servius Galba; the case of M. Scaurus against P. Rutilius which he also cites never took place and is an error on Scaurus' or Tacitus' part; see esp. Woodman and Martin 1996: 460 citing Badian 1958 and Sen. *Contr.* 10 *pr.* 2–3; cf. Badian 1958: 217). His citing of these precedents would appear to indicate that he only handled the charges of *repetundae*, not *maiestas*, since each was a prosecution for extortion. There is, however, more at work here. Both Bauman (1974: 94) and Badian (1958) interpret Scaurus' citing of these precedents as legal justification for his actions and criticize his historically inaccurate account. Scaurus also, as Badian notes, had an ulterior motive for citing these precedents (even the fictional one of Rutilius): as a consular and senior statesman he will have cited these cases not out of legal concern, but out of desire to show that senior statesmen had acted as *accusatores* in well-known legal battles. Tacitus – himself a consular who had acted as prosecutor – will have appreciated the nuances that led Scaurus to justify his prosecution. This is all we know of Scaurus' involvement in this case. Tiberius presided over the trial, and Silanus was found guilty (there never appears to have been any doubt) and exiled to Cynthus; Scaurus will have certainly shared in a part of his property which would have been confiscated (Tac. *Ann.* 3.68.3). He is next heard of in 32, when Tiberius sent a missive denouncing five senators for involvement with Sejanus; Scaurus was among them and singled out, according to Tacitus, for particularly harsh treatment, but the matter was allowed to drop temporarily (Tac. *Ann.* 6.9.7). Scaurus may well have been an ally of Sejanus; that would explain, at any rate, what prompted Tiberius' letter (Levick 1976a: 171). Two years later Sejanus' successor, Sertorius Macro, denounced him (for the details of his trial see above, p. 100). Scaurus may not have waited for the trial but died, Tacitus says, "worthy of his Aemilian ancestors," thereby anticipating the verdict, his wife Sextia both urging and joining him (Tac. *Ann.* 6.29.7). Dio, on the other hand,

says that Scaurus was condemned and compelled to suicide. With the death of Scaurus, his ancient line came to an end (Sen. *Suas.* 2.22). It is worth noting that the brief picture of Scaurus in Dio is quite different from that we find elsewhere: Dio notes that Scaurus never governed a province and never took bribes. Contrast this with Seneca's characterization of Scaurus as a man who was foul-mouthed and promiscuous (Sen. *Ben.* 4.31.3–5; cf. Tert. *de Pall.* 5). By Tacitus' reckoning, Scaurus was one of the best orators of his age (Tac. *Ann.* 3.31.6), although Seneca the Elder (a better authority since he actually heard Scaurus) appears to contradict this. Seneca tells us that he was negligent, put together cases on the fly, and did his best to antagonize opponents and draw them into altercation (Sen. *Contr.* 10 *pr.* 2); but it was a style which suited his fast wit (see, e.g. *Contr.* 1.2.22; 2.1.39; 9.5.17; 10.1.9). Seneca also notes his activities as a declaimer (*Contr.* 10.2.19). In the same passage Seneca tells us that his language was heavily antiquarian, lending it *gravitas* and giving him the authority suited to an orator. Nonetheless, Seneca writes, what little remains of his speeches indicates a great talent which he was too indolent to cultivate. Ultimately, he published seven orations (Sen. *Contr.* 10 *pr.* 3), all burned at the senate's decree, presumably upon his prosecution in 34; sketches of them – which Seneca did not admire – still circulated under Gaius.

3 Ancharius Priscus

Tac. *Ann.* 3.38.1; 3.70.1.

Bauman 1974: 53; Köstermann 1955: 98–9; 1963 491–2, 555; Rogers 1935: 61, 70; Seager 1972: 157, 170; Walker 1960: 99; Woodman and Martin 1996: 319–20.

*PIR*² A 578; *RE* 1².2102 = Ancharius 5 (Rohden); *CIL* 11.6357 = *ILS* 5057.

Of Ancharius Priscus' family background and career almost nothing can be retrieved; Stein (*PIR*² A 578) entertains the possibility that he was from the same family as T. Ancharius T. f. Pal(atina) (see *CIL* 11.6357; his father had, on eight occasions, given gladiatorial contests at the *ludi Florales* with the permission of Augustus; the inscription commemorates the younger Ancharius' presentation of ten pairs of gladiators and *venationes* with the permission of his father; T. Ancharius had advanced as far as the offices of aedile and quaestor). In 21 he prosecuted Caesius Cordus, governor of Crete and Cyrene, for *repetundae* (*PIR*² C 193; see above, pp. 67–8). Nothing more is heard of Ancharius after this case.

4 C. Anicius Cerialis[?]

Tac. *Ann.* 15.74.3; 16.17.1, 7–8; Dio 59.25.5b.

Barrett 1989: 156–7; Köstermann 1968: 331, 367–8; Rudich 1993: 151–3.

PIR¹ A 594; RE 1².2196–7 = Anicius 7 (Rohden); CIL 4.2551.

Anicius was infamous as the betrayer of a plot under Gaius (see above, p. 163, for discussion, and for his identity – Groag suggests [in his *PIR* article, citing Sen. *Dial.* 5.18.3] that he could have been Sextus Papinius' stepson). Surviving into the reign of Nero when he was still infamous for his actions under Gaius (Tac. *Ann.* 16.17.7–8), he was consul *suffectus* in 65 (CIL 4.2551; Tacitus calls him consul *designatus*, but he was in office in August) when he made an adulatory proposal that a temple be built to *divus* Nero at public expense. Nero vetoed his proposal for the potentially ill-omened interpretation that could be put on such an honor (since it was normally posthumous). Anicius himself fell in 66 as the result of Fabius Romanus' denunciation of Annaeus Mela: Mela, condemned to death, denounced others as hostile to the princeps who were as yet unpunished, and Anicius was one of these. Tacitus states that in the wake of Mela's denunciation Cerialis' hostility was believed, and that there was little sympathy for him because he had betrayed a plot against Gaius. He ended his days by taking his own life.

5 Annius Faustus

Tac. *Hist.* 2.10; cf. *Ann.* 14.28.3.

Avonzo 1957: 91; Bauman 1974: 193 n. 16; Chilver 1979: 174; Demougin 1992: 553–4; Köstermann 1968: 79; Talbert 1984: 271.

PIR² A 645; RE 1².2265 = Annius 41 (Rohden).

Little is known of Annius Faustus' family background or early career. He may have held the office of *tribunus militum*, and a certain L. Cornelius Pusio Annius Messalla may have been his kinsman, since an inscription from Tiburi (see the *PIR* entry) was found nearby (see Demougin for discussion, who argues an origin from Tibur for Annius Faustus, based on the provenance of this and another inscription). An equestrian who became notorious for his frequent *delationes* under Nero, he was almost certainly one of the accusers of Vibius Crispus' brother, Vibius Secundus (PIR¹ V 398), for *repetundae* in 60 (Tac. *Ann.* 14.28.3). Tacitus makes no explicit reference to Annius in discussing Secundus' case, but the likelihood of Annius' involvement is high, given that Tacitus says that Vibius attacked him in 69 because he had tried to ruin his brother. Furneaux doubts Annius' involvement, however, arguing that he will have accused Secundus on some other charge, but there is no evidence for another prosecution of Secundus. Annius will have assisted the Mauretanians in making their case against Vibius Secundus; consequently, we might tentatively suggest that Annius had some connection with Mauretania, perhaps in some administrative

or military capacity earlier in his career. Vibius Crispus' intervention eventually saved Secundus from a heavy sentence. Nonetheless, Crispus later involved a great part of the senate in the inquiry against Faustus in 69, and he was summoned before the senate and condemned (see above, p. 121 for further discussion). Annius' punishment appears to have been part of a general investigation of any who had been involved in delation under Nero (although, as Chilver points out [1979: 174], Tacitus is short on specifics; he leaves it unclear whether the investigation was directed against any who laid charges under Nero, or only those who had profited). Annius' punishment under the Flavians would have precedent from the reign of Galba (see Tac. *Hist.* 2.10.1). No more is heard from Faustus after his condemnation.

6 Antistius Sosianus

Tac. *Hist.* 4.44.2–3; *Ann.* 13.28.1–3; 14.48–9; 16.14; 16.21.2.

Bauman 1974: 32, 50 n. 126, 143, 151, 153, 194; Bradley 1973: 171–81; Chilver 1985: 56; Griffin 1984: 48–9, 53, 85, 93, 165, 170; Heubner 1976: 106; Köstermann 1967: 288; 1968: 115–20, 360–4; Martin 1981: 176; Rayment 1958: 38–9; Rudich 1993: 21, 55–8, 144–7, 174, 185, 277; Syme 1958: 298; Talbert 1984: 173, 261, 472; Warmington 1969: 135–6; Weinrib 1968: 48.

*PIR*² A 766; *RE* 1².2558 = Antistius 42 (Rohden).

We may conjecture a date of birth around 30, or not much later, since he was tribune of the plebs in 56 (Helvidius Priscus [*PIR*² H 59] was one of his fellow tribunes). His tenure as tribune was not without incident, for he quarreled with Vibullius, one of the praetors, when he ordered an unruly claque of theatergoers arrested by the praetor to be released. The senate approved Vibullius' action, and rebuked Antistius' leniency (Tac. *Ann.* 13.28.2). He went on to become praetor in 62, when Cossutianus Capito accused him of writing and reciting poems against the emperor at a banquet at the house of Ostorius Scapula (*PIR*² O 164), for which Antistius was banished (for details of the case see above, pp. 113–14). Four years later, in 66, Antistius turned *delator* in exile, having heard of the rewards offered to informers under Nero, and denounced P. Anteius (*PIR*² A 731), a former legate of Syria (Tac. *Ann.* 13.22.2), and a man Antistius knew to have been close to Agrippina the Younger; the denunciation ensnared Ostorius Scapula as well, and both perished as a result, while Antistius was restored (for a detailed discussion of the case, see above, pp. 170–1). Tacitus indicates that he continued his lethal career as an informer/prosecutor after his return (*Hist.* 4.44.2). We should be circumspect about accepting Rudich's assertion (1993: 145–6) that Antistius' motive in denouncing Ostorius was purely a matter of envy, seeing Ostorius' career prosper while he languished in exile; a chance to redeem oneself and be restored to one's former status in Rome was surely no small motive either. He was still in the city when Vespasian came

to power, and was one of those *delatores* who fell in early 70, relegated to the same island from whence he came in 66; Tacitus (*Hist.* 4.44.2–3) says that Mucianus allowed his destruction to appease the senate after he intervened to save some of the more powerful *delatores*, including Eprius Marcellus, Vibius Crispus, and Aquilius Regulus.

7 Antonius Natalis[?]

Tac. *Ann.* 15.50.1–2; 15.54.1; 15.55.6; 15.56.1–3; 15.60.4–6; 15.61.1; 15.71.2.

Demougin 1992: 475–6; Köstermann 1968: 270, 286–8, 297–9; Rudich 1993: 104, 106–8, 128.

PIR² A 855; RE 1².2634 = Antonius 81 (Rohden).

Natalis was one of seven Roman equestrians involved in C. Calpurnius Piso's (PIR² C 284) conspiracy against Nero in 65. He was a close compatriot to one of the leading conspirators, Flavius Scaevinus (PIR² F 357), and betrayed along with him (for details see above, p. 167–9). In an effort to win immunity, Natalis denounced Piso and incriminated (falsely) Seneca, and it was his testimony (which supported Milichus') that was the most instrumental in revealing the plot. Indeed, Tacitus says it was Natalis' evidence alone which led to Seneca's death (15.60.4–6): Natalis said that in the course of plotting out the conspiracy he had been sent to Seneca to ask him why he kept Piso from his door, and tried to bring about a meeting between Piso and Seneca to no avail. Seneca merely asked Natalis to convey the message that his own welfare depended on Piso's. Natalis' vague report was enough for Nero, who forced Seneca's suicide. Was Seneca indeed involved with Piso? They are connected in yet another context, in Romanus' (*q.v.*) denunciation of Seneca in 62, which Tacitus says gave rise to Piso's conspiracy (Tac. *Ann.* 14.65.2). As Rudich notes, their mere association may have been enough for Nero, under whom *amicitia* with the condemned was looked upon with suspicion. Natalis' reward, in the wake of the conspiracy, was immunity from prosecution. After Piso's conspiracy, we hear no more of him.

8 Aponius

Plut. *Galba* 8.5.

PIR² A 933.

The only information we have on Aponius is that he was an accuser under Nero who was killed in the disorder (and purge) following Nero's death (Plut. *Galba* 8.5). He was knocked to the ground by a mob and crushed when they rolled a cart loaded with stones over him. Why the popular rage against Aponius by the

mob that was supposedly fond of Nero? It could be that those involved were cronies of the new regime purging Nero's court after his fall. The name appears so frequently in the epigraphic record and so little is known from Plutarch that any reconstruction would be highly conjectural.

9 M. Aquilius Regulus

Mart. 1.12.8; 1.111; 2.74; 2.93; 4.16.6; 5.10.3; 5.21.1; 5.28.6; 5.63.4; 6.38; 6.64.11; 7.16; 7.31; Plin. *Ep.* 1.5; 1.20.14–15; 2.11.22; 2.20; 4.2; 4.7; 6.2.1–7; Tac. *Dial.* 15.1; *Hist.* 4.42; Mart. *Cap.* 5.432; Aur. *Vict. Epit.* 12.10(?).

Chilver 1985: 54–5; Duncan-Jones 1974: 18 n. 1; Eck 1970: 76; Heubner 1976: 100–3; Jones 1979: 97; 1984a: 637; 1992: 174, 181; McAlindon 1956: 130; McDermott and Orentzel 1979: 94–107; Martin 1981: 33, 100, 196; Rogers 1960: 20; Rudich 1993: 201–5; Sherwin-White 1966: 93–9, 171, 202–5, 266–7, 270–1, 356–7; Syme 1958: 100–2; 1991a: 222; 1991b: 528, 555, 574, 577–9, 650; Talbert 1984: 504–5; Warmington 1969: 155–6; Winterbottom 1964: 90–7.

*PIR*² A 1005; *RE* 2.331 = Aquilius 34 (Rohden); *AE* 77.797; *CIL* 15.7421.

No *delator* has attracted more attention than Regulus, thanks to the vivid portrait we have of his life and career in Pliny, Tacitus, and Martial. Some details concerning his early career are known from the attack Montanus makes against him in the senate in January of 70 (Tac. *Hist.* 4.42; see above, p. 125 for discussion). We learn there that Regulus had a half-brother, Vipstanus Messalla, who defended him in the course of Montanus' attack. His father appears to have been exiled under Nero, but his property had been left intact. Rohden (*RE* 2.330 = Aquilius 32) identifies the pontifex and quaestor of Ti. Caesar (citing *CIL* 6.2122) as Regulus' father (hence a tradition of service to the Caesars). Late in Nero's reign, Regulus had been responsible for the prosecutions (and deaths) of M. Licinius Crassus Frugi (*PIR*² L 191; cf. Tac. *Hist.* 4.42.1; Plin. *Ep.* 1.5.3), and Ser. Cornelius (Scipio) Salvidienus Orfitus (consul in 51, see *PIR*² C 1444; Suet. *Nero* 37.1; cf. Dio 62.27.1); he was also responsible for the prosecution (and execution) of Sulpicius Camerinus (Pythicus) and his son (*PIR*¹ S 713 [*pater*]; Dio 63.18.2–3; Plin. *Ep.* 1.5.3). He incurred the highest odium for these cases, since he had undertaken them voluntarily while still a young man (Tac. *Hist.* 4.42.1). He had apparently started on his career as an accuser even “at an age before he was capable of holding offices” (*non dum honorum capax aetas*, Tac. *Hist.* 4.42.3, which means that he was probably born early in the reign of Claudius, between 41 and 45). McDermott and Orentzel (1979: 94) conjecture that he will have been born in 40, arguing that the normal age for a quaestorship was 25, but there is no reason why he could not have been a *Wunderkind*, prosecuting between the age of 19 and 20 and obtaining the honors and rank of a quaestor without actually holding the office. It should be noted that Montanus' slights against Regulus' youthful prosecutions

are unfair; there was nothing unusual in a young man trying to make his mark at a tender age (cf. Tac. *Dial.* 34.7). All three of his victims were nobles of consular rank, something Montanus deemed particularly offensive (Tac. *Hist.* 4.42.4); the circumstances surrounding each of the cases, however, are obscure (see above, pp. 171–2 for discussion; for a well documented general discussion of Orfitus, Crassus, and Sulpicius Camerinus, see Rudich 1993: 312–13). The drama of Montanus' attack against Regulus was heightened by the presence of Sulpicia Praetextata (*PIR*¹ S 744), Crassus' widow, and their four children, all of whom were present and eager for revenge (Tac. *Hist.* 4.42.1). Sherwin-White (1966: 96) argues that a feud could have motivated Regulus' attack on the Crassi to begin with, based on the possibility that one of the Crassi was responsible for the prosecution of Regulus' father. Regulus' vicious behavior towards the dead L. Calpurnius Piso Licinianus (*PIR*² C 300), Crassus' brother and Galba's chosen successor, surely indicates a deep-seated enmity, although Rudich (1993: 203) is right to be suspicious of this interpretation: Regulus will have had a personal interest in Piso's destruction, since he had also been responsible for the destruction of Piso's elder brother, Crassus Frugi, consul in 64. Montanus attributed Regulus' accusations not to any desire to make a name for himself, but to sheer greed and blood-thirstiness: according to Montanus, Regulus came from wealth and did not want for money, rendering his actions all the more unforgivable, although Pliny (*Ep.* 2.20.13) draws a very different picture of Regulus' financial circumstances, stating that Regulus had climbed from poverty to riches. Montanus makes the additional assertions that Regulus had not prosecuted for the sake of self-preservation, something understandable if not excusable, and that he never undertook a defense under Nero. Montanus further attacked Regulus for seeking to grow fat off the misery of others, parading in the office of priest, and obtaining consular honors and 7,000,000 sesterces while destroying innocent children, distinguished old men, and illustrious women. He also accused Regulus of inciting antagonism between Nero and the senate, alleging that he reproached Nero for "wearying himself and his *delatores* by pulling down one house at a time when the senate could be destroyed at a single blow" (Tac. *Hist.* 4.42.4). What prompted Montanus' attack? That he was a part of Thrasea's circle would certainly explain his speech against Regulus as a Neronian collaborator (see Rudich 1993: 312). Despite Montanus' seemingly powerful case against him, Regulus was saved through Domitian's and Mucianus' intervention, and Regulus' career at the bar continued to thrive during the 70s (although no prosecutions are attested), something clearly indicated by Aper's reference to his eloquence in Tacitus' *Dialogus* which is set in 74 or 75, and where M. Aper chides Regulus' half-brother, Messalla, for his dismissive attitude towards contemporary oratory, forgetting his own and Regulus' talents in this regard (15.1). That Martial refers to Regulus as pleading in the centumviral courts (6.38) indicates that he may have been more involved in civil (rather than major political) cases under the Flavians; we know of at least one civil case against Arrionilla, but it could have

been politically significant as well (see above, pp. 134–5). Be that as it may, he was involved in some notorious trials under Domitian, and his activities under that emperor (and his successors) are set down in vivid detail by Pliny (*Ep.* 1.20.14; see above, pp. 132–5 for a detailed discussion of the cases under Domitian in which Regulus might have participated). That Domitian may have rewarded him is indicated by the possibility that he was consul *suffectus* in 84 or 85 (Jones 1979: 97; 1984: 637); some however, have doubted his consulship, and the criterion cited by Syme in support (1991b: 578) is flimsy (a remark in Montanus’ denunciation which could as easily refer to Eprius Marcellus or Vibius Crispus, “We dare not offend that man still of the rank of quaestor – will we dare offend a praetorian or consular?” *Hist.* 4.42.5). There are those who argue that he did not take part in delation once Nero was dead (e.g. Jones 1992: 181; Eck 1970: 76), although the evidence can cut both ways. First, there is Pliny’s remark concerning Regulus’ activities under Domitian, “He committed crimes under Domitian no less than those under Nero, but more hidden” (*Ep.* 1.5.1). But the death of Domitian, according to Pliny, made Regulus nervous, and we may suspect why; moreover Pliny says (6.2.4) that Domitian’s death put an end to his misdeeds. He may, however, have simply been unhinged at the fall of the dynasty which had rescued (and protected) him after his prosecutions under Nero. The possibility remains, however, that he was involved in some capacity in Arulenus Rusticus’ (*PIR*² I 730) prosecution (see above, pp. 132–3). He certainly appears to have been an inveterate enemy of those in Rusticus’ circle, including Herennius Senecio (see above, pp. 131–2). It is tempting to see Regulus behind the prosecution in 93 of Ser. Cornelius (Scipio) Salvidienus Orfitus (*PIR*² C 1445), the son of his victim under Nero (Suet. *Nero* 37.1), and given the nature of the enmity Regulus’ prosecutions provoked and his harsh treatment of the kin of his victims, such a conjecture is surely not implausible. After Domitian’s death, Regulus begged Fabius Justus and Caecilius Celer to bring about a reconciliation between himself and Pliny, and ultimately Vestricius Spurinna was used as an intermediary (*Ep.* 1.5.8). What comes out of the subsequent exchange between Pliny and Regulus is that Junius Mauricus (*PIR*² I 771) was returning from exile, and one may guess that he had in mind some sort of revenge to take on Regulus if he had a hand in his relegation – there seems little other reason for Pliny to write this and for the exchange, although Mauricus was Rusticus’ brother, and, if Regulus was involved in Rusticus’ prosecution, will have feared Mauricus’ vengeance. Regulus may also have been involved in Mettius Modestus’ exile. We hear in *Ep.* 1.5.5–7 that, in a case in the centumviral court in which Pliny was defending Arrionilla (between ca. 87 and 94), Regulus started to needle Pliny about Modestus (concerning whom see *PIR*² M 565; cf. Stein 1927: 337–9); Pliny, thinking Regulus was setting a trap for him by attempting to elicit an unguarded response to a line of questioning concerning the emperor’s enemies, replied that he would respond only about those men who were on trial and deemed it improper that questions be put concerning those on whom sentence had been passed.

Pliny did not forget the danger in which Regulus placed him, and then goes on to relate an official exchange between Regulus and himself when both met at the praetor's office after Domitian's death, probably in 98. Regulus took him aside and apologized for a remark he directed against Satrius Rufus, one of his opponents in court whom he criticized for making no attempt to imitate Cicero, instead being satisfied with the slack standards of the day. Then Pliny reminded Regulus of his trying to needle him in the case of Modestus; Regulus said his remark was intended to damage Modestus, not Pliny. Pliny then gives something away concerning Regulus' motives for prosecution when he remarks that Modestus, prior to his exile, had called Regulus "the vilest of two-legged creatures"; we may wonder whether or not there was some justification, considering Modestus' attack against him, for Regulus' undertaking a case against Modestus – especially given that Modestus had read these words out in a letter before Domitian, possibly in the context of a court case (see Sherwin-White 1966: 99), and even perhaps in an attempt to denounce or discredit him. Pliny was well aware of the difficulties in undertaking any sort of attack against Regulus, even after Domitian's death, since Regulus remained a force with which to be reckoned. It appears that Pliny contemplated attacking Regulus for his activities under Domitian and Nero (*Ep.* 1.5.16), an attack, as far as we know, which never took place. Regulus was also involved in the trial of Marius Priscus in 100 (*Ep.* 2.11.22): he apparently told Pompeius Collega, a man of consular standing who was to give his opinion concerning the penalty for Priscus, that he would support him, but then abandoned him after he argued for leniency, embarrassing Collega, who stood virtually alone in his opinion. Talbert, who discusses this incident (1984: 504–5), asks why Regulus wanted his opinion conveyed through Collega? One possibility is that Regulus never actually advanced to the rank of a consular (so Sherwin-White 1966: 171). It could be that, if Regulus was still a junior senator, he felt a hearing for his views could be aired better by having a man of higher rank voice them – though, as Talbert notes, it is likely that Regulus was of higher (probably consular) rank, hence Regulus' motive for withdrawing his support remains a mystery – but fear of giving offense due to support of a harsher penalty is one possibility. Finally, Regulus may have claimed his most famous victim inadvertently according to the epitomator of Sex. Aurelius Victor: Nerva's final illness was brought on by a seizure while rebuking a certain Regulus – very likely our *delator*. Regulus turned to legacy hunting under Nerva and Trajan. According to Pliny (*Ep.* 2.20.1–6), Regulus had the temerity to visit Verania, the widow of Piso (Galba's chosen successor and Regulus' bitter political enemy), who hated Regulus. During his visit, Regulus asked Verania the day and hour of her birth then did some calculations on his fingers (apparently being an amateur astrologer); he then told Verania that she was going through a dangerous time which she would weather, but to be sure, he would consult a soothsayer. The soothsayer purportedly supported his interpretation, and Verania, worried that she would not survive her illness, called for her will and inexplicably put down Regulus for

a legacy; she then died, calling down the wrath of the gods upon him. Regulus then turned his sights on Velleius Blaesus, a rich man of consular rank who was gravely ill (2.20.7–8). Regulus began to court Blaesus to get something from his will, and implored the doctors to prolong the man's life; meantime, Blaesus changed his will. It was then that Regulus made his mistake, since he then began to ask the doctors why they were torturing the man, prolonging the life of one destined soon to die. Pliny conjectures that Blaesus must have heard the story, for he left Regulus nothing. Pliny then relates yet a third story concerning Regulus (2.20.9–11) telling the tale of a certain noble woman named Aurelia, who had dressed in her best clothes for the ceremony of signing her will. Regulus was present at the signing and asked that Aurelia leave him the very clothes she was wearing. Aurelia thought Regulus was joking, but he was in earnest, and made her open up her will again and leave him the clothes on her back. He watched her write and then inspected the document. Concerning Regulus' repute as an orator we have two very different views: Martial and Tacitus (*Dial.* 15.1) give us a positive picture of Regulus' skill as a speaker. For Martial, Regulus merits comparison with Cicero himself (4.16); such praise finds a place elsewhere in Martial's poems, as in 6.38 where he refers to how Regulus the Younger marvels at the praise given to his father and refers to the packed house eager to hear him plead. That Martial was sincere is perhaps indicated in 5.28, in which (in a poem not addressed to him) Regulus' name is virtually synonymous with oratory (cf. 5.63). It is tempting to see Regulus as one of the Roman literati – along with Pliny – who lent Martial support: Regulus certainly occupies an emphatic place in the second book, as the last individual addressed in the last poem (2.93); in addition, if one considers just how flattered Pliny was at mention of his name in Martial, and the financial support Martial received as a result, it is all the more plausible that Regulus will have contributed to Martial's purse. Martial may also tell us something of Regulus' position under Domitian, for he is classed among the foremost men of the city (*proceres urbis*, 6.64) and is compared to Domitian himself as one of those who does not disdain to read Martial's poems (though how much of this is *pro forma* flattery is a question we might fairly ask). Moreover, Martial shares with Regulus poems which indulge in literary criticism, but to what extent, if at all, these reflect the taste of the addressee is difficult to ascertain (see e.g. 5.10, where Martial laments men of antiquarian taste who disparage contemporary literature). Pliny gives a far different picture of Regulus and his oratory throughout most of his letters, rendering a generally negative assessment of his eloquence (Plin. *Ep.* 4.7.4; see Rutledge 1999: 561–2 for further discussion of Regulus' oratory). Pliny notes the violence that marked Regulus' language more than once. Hence Pliny records the ugly remarks Regulus made in a published speech against the dead Rusticus (one of his victims under Domitian); Regulus referred to Rusticus as a "Stoic ape" (*Stoicorum simiam*) and "branded with a Vitellian scar" (*Vitelliana cicatrice stigmatum*), a harsh attack which was a stamp of Regulus' oratory, "You can recognize his eloquence," *agnoscis eloquentiam*

Reguli, wrote Pliny (Ep. 1.5.2). Indeed, Pliny writes that Regulus lashed out so violently against Herennius Senecio, Mettius Carus' victim under Domitian, that Carus himself was forced to respond to his attack (Ep. 1.5.2–4). Pliny was further appalled to relate a premise of Regulus' oratory which he received from Regulus himself: "You think everything in the case needs to be pursued; I immediately see the jugular and press it home," *'Tu omnia quae sunt in causa putas exsequenda; ego iugulum statim video, hunc premo'* (Ep. 1.20.14). Little wonder Pliny wrote that Regulus' oratory was marked by madness (*furor*) and insolence (*impudentia*) and provoked the jibe from Herennius Senecio that Regulus was the opposite of Cato's definition of an orator, that "he is a good man skilled in speaking": "The orator is a bad man, unskilled in speaking," *'Orator est vir malus dicendi imperitus'* (Ep. 4.7.5). Yet we must consider our source, and Pliny's letters also show that by all accounts Regulus was a star orator. He was able to collect large audiences to listen to him recite works publicly and had a reputation as a popular speaker (Ep. 4.7.2, 4). Pliny perhaps pays an inadvertent compliment to Regulus when he notes that, going against the tide of the times, Regulus still tried to adhere to Cicero as a model for his oratory (1.5.11–13). Moreover Pliny grudgingly lamented Regulus' death, and wrote to a friend that Regulus at least had respected oratory and the profession of the orator, something which suffered rapid decline after Regulus' demise (Ep. 6.2.2). Aper in Tacitus' *Dialogus* clearly admires Regulus as a speaker, as the compliment paid to Messalla and his brother for their eloquence shows; that Tacitus makes such a comment in the *Dialogus* (15.2) is significant: Messalla was most likely dead by the time the work was published, hence there would have been no reason to compliment him with this remark. Furthermore, Tacitus was supposedly free to say what he pleased in this work since Domitian had been dead several years before its publication, and he could attack the agents of the old regime. Finally, there is the judgment of Martianus Capella, who ranked Regulus – along with Pliny and Fronto – as the greatest of Roman orators after Cicero; it is likely, then, that as late as the fifth century AD Regulus' speeches still circulated and were read. The rest of our information concerning Regulus is of a largely personal nature. He was married to Caepia Procula, daughter (or sister) of Galeo Tettienus Ti. Caepio Hispo (proconsul of Baetica in 95, consul in 102 or 103 and later proconsul of Asia, see Jones 1992: 174 [citing Eck 1970: 76]; for Procula see *CIL* 15.7421, which mentions her, but the context of the inscription is lost). We know that Regulus had a son, for Pliny (Ep. 4.2) ungenerously attacks Regulus for his overindulgence in mourning his death. He then takes delight in noting that Regulus, now childless, suffers from the same plague of legacy hunters he was wont to visit on others, with individuals courting him who once loathed him. In that same letter, we also find out that Regulus owned a large villa in Rome on the other side of the Tiber, flanking the river with a very long colonnade which he had adorned with expensive statuary; in addition, he had a house at the third milestone, as well as estates in Umbria and Tuscany (see Duncan-Jones 1974: 17–18 and 18 n. 1). We next hear of

Regulus in 4.7, where Pliny says he is still making a nuisance of himself, having written a memoir of his son's life, giving public readings of it, distributing it throughout Italy and the provinces, having numerous copies made, and asking town councils to choose a member to give a public reading of the work. In Plin. *Ep.* 6.2 we discover that Regulus is dead – and it appears for a while. His death was sometime before 106.

10 Armillatus

Juv. 4.53–5; *schol. ad Juv.* 4.53; cf. 4.53 (Valla).

Braund 1996: 247; Courtney 1980: 211.

PIR² A 1062; RE 2.1189 = Armillatus (Rohden).

The name Armillatus is rare, and he is known only from Juvenal and his scholiast. Juvenal introduces Armillatus at Domitian's council concerning the turbot (*Sat.* 4). There he, along with Palfurius Sura, states a hyperbolic legalism, that whatever comes from the sea belongs to the emperor. There is no explicit indication in Juvenal himself, however, that Armillatus was involved in *delatio*, though the implication is surely there, since both he and Sura are depicted as those denouncing the fish (4.50), which prompts the scholiast to remark that they would be *delatores* or *calumniatores* who would make such a denunciation. Further indication may be his opinion that the fish revert to the *fiscus*. In addition, the scholiast notes that Sura and Armillatus are *nomina delatorum* (53.3d, cf. 53.3). These are the only signs we have of Armillatus' involvement in delation; the scholiast also states that he was one of the powerful at Domitian's court (*potentes apud Domitianum*), and further indicates Armillatus' role in delation by the close association between the activity of Sura and Armillatus and those of the *inquisitores* (a technical term and one which, as Juvenal uses it, could well refer to both the pettiness and pervasiveness of informers under Domitian [so Braund 1996: 247]). More concerning Armillatus is unknown.

11 Arrius Varus

Tac. *Hist.* 3.6.1–2; 3.16; 3.52.2–3; 3.61.2; 3.63.2; 3.64.2; 4.2.1; 4.4.2; 4.11; 4.39.3–4; 4.68.1–2; *Ann.* 13.9.3.

Chilver 1985: 23–4, 57, 74; Demougin 1992: 575–6; Heubner 1972: 28–9; Jones 1992: 15; Köstermann 1967: 251–2; Nicols 1978: 123; Rudich 1993: 197; Wellesley 1972: 80, 83, 158.

PIR² A 111; RE 2.1258 = Arrius 36 (Rohden).

An equestrian, he was *praefectus cohortis* under Corbulo in 54 while on campaign in Armenia against the Parthians, where he was put in charge of some hostages from the family of the Arsacids (Tac. *Ann.* 13.9.3). He earned repute as a man of energy and ability, and rose to the rank of *primum pilum* (probably for a second time as an honorary rank to higher office) under Nero – but not necessarily for his efficiency as a soldier. It was rumored that in 67 Arrius had denounced Domitius Corbulo (PIR² D 142) in secret conversations with Nero, something that eventually resulted in Arrius' destruction (Tac. *Hist.* 3.6.1). He sided with the Flavians in 69 and accompanied Antonius Primus in his ruinous march through Italy. His competence as a soldier deserted him at the second battle of Cremona, where his eagerness to finish off the Vitellians resulted in an embarrassing rout for the unit of cavalry he commanded (though Antonius saved the day, *Hist.* 3.16.1–3). Arrius acted as second in command in the campaign, and missives were sent both to Antonius and to Arrius from Mucianus during their advance through Italy, reproaching them with their excessive haste to reach the city (*Hist.* 3.52.2–3). Arrius is next found outside the walls of Rome, when he was sent by Antonius to quash the resistance of 400 Vitellian cavalry at Interamna (*Hist.* 3.61.2). The proximity of Arrius to Antonius in our sources attests to a man of ambition; he took the initiative during the Italian campaign, along with Antonius, to negotiate with Vitellius concerning abdication, and sent letters offering the emperor his life and comfortable retirement in Campania, if he threw himself on the mercy of Vespasian and his family (*Hist.* 3.63.2). The passage shows that Arrius was trying to endear himself to the new regime. The involvement of Antonius and Arrius in the negotiations concerned those around Flavius Sabinus, who worried that the two generals would overshadow Sabinus (*Hist.* 3.64.1). After Sabinus' death and Vitellius' lynching, Arrius was rewarded with the office of praetorian praefect (*Hist.* 4.2.1), and voted *praetoria insignia* by the senate (*Hist.* 4.4.2), though Mucianus promptly divested him of the office, handing it over to Arrecinus Clemens (*Hist.* 4.11.1; 4.68.2). As a consolation prize, he put him in charge of Rome's grain supply, appointing him *praefectus annonae* – a considerable office during the crisis of early 70 when fear of famine loomed over the city. Tacitus says Arrius' relationship with Antonius and Domitian was suspect, and that Domitian was sympathetic to Arrius (*Hist.* 4.68.2). It also appears that Arrius had to be stripped of his power with care and caused Mucianus some fear; both Arrius and Antonius were popular with the troops and with the people, since they had abstained from violence once the fighting stopped and so both posed something of a threat. *Legio III (Gallica)*, to which Arrius was well known, was consequently sent back to Syria (*Hist.* 4.39.4). Of Arrius' subsequent career, nothing is known. Tacitus states the following in *Hist.* 3.6.1 concerning Arrius' denunciation of Corbulo: "The good fortune he had obtained through bad means for the present soon worked his destruction" (*adepto laeta ad praesens male parata mox in perniciem vertere*). The phrase must refer to a subsequent prosecution for his attack on Corbulo, but when? He is

clearly not among the Neronian *delatores* attacked in the extant portion of Tacitus' *Historiae*. Prior to Vespasian's advent he enjoys promotion, and he and Domitian seem to have an amicable relationship. Rohden plausibly conjectures that it could have been Domitia Longina (PIR² D 181), Corbulo's daughter and Domitian's consort, who had a hand in Arrius' subsequent fall under Domitian (cf. Wellesley 1972: 83).

12 (L?) Aruseius

Tac. *Ann.* 6.7.1; 6.40.1; Dio 58.8.3(?); *Dig.* 48.2.12 *pr.*(?).

Köstermann 1965: 252–3; Levick 1976a: 176; Marsh 1931: 195; Rogers 1931b: 31–45; 1935: 108–9; Seager 1972: 218–19; Syme 1970: 64.

PIR¹ A 1195; RE 2.1492 = Aruseius 2 (and possibly 1, Rohden).

Of Aruseius' family background nothing is known, and the name Aruseius occurs only once in the epigraphic record (CIL 6.12492). He first appears in the prosecution of L. Arruntius (PIR² A 1130) in 31 (Tac. *Ann.* 6.7.1). We know that Aruseius and his accomplice, Sanquinius (*q.v.*; both may have worked in Sejanus' employ), moved against L. Arruntius sometime between July and October of that year (a consular, Lentulus, possibly defended Arruntius, *Dig.* 14.2.12 *pr.*, Dio 58.8.3). The case will have been before the senate. It is possible that the charge was for *maiestas* (Rogers 1931b: 38–9); whatever the charge, it was dismissed resulting in a counter-charge of *calumnia* against Aruseius and Sanquinius (as plausibly deduced by Rogers [1935: 108–9], who bases this assumption on the precedent cited in the next year for the penalty imposed upon Caecilianus, *q.v.*). As a result of the *calumnia* charges, Rogers (1935: 109) deduces that Aruseius and Sanquinius would have been deprived of their senatorial rank on the analogy of Firmius Catus (*q.v.*). There is no reason, based on Tacitus' discussion of this particular case, to doubt that this Aruseius is the same as L. Aruseius in Tac. *Ann.* 6.40, who is executed (see Syme 1970: 64). We may discount part of Rogers' argument (1931b: 41) that Arruntius, as leader of the opposition in the senate, will have invited attack from a prosecutor such as Aruseius; there is no evidence for any such role for Arruntius, who was Tiberius' loyal administrator and probably, as an opponent of Gaius, fell prey to his powerful supporter Macro (Tac. *Ann.* 6.47; 6.48.3–5).

13 Atimetus

Tac. *Ann.* 13.19.4; 13.21.5; 13.22.3.

Bauman 1992: 197; Köstermann 1967: 271, 275–6, 278; Rudich 1993: 263.

PIR² A 1315; RE 2.2101 = Atimetus (Rohden).

Nothing outside of Tacitus can be recovered concerning this freedman who was suborned as an informer by Iturius (*q.v.*) and Calvisius (*q.v.*) when Junia Silana (PIR² I 864) accused Agrippina in 55 of *res novae* (for which case see Iturius' *vita*; cf. above, pp. 150–1). Iturius and Calvisius reported their denunciation of Agrippina to Atimetus, a freedman of Domitia, Nero's aunt and herself a rival of Agrippina (Tac. *Ann.* 13.19.4); their charge was that Agrippina had plotted revolution with Rubellius Plautus (PIR² R 115). Atimetus, in turn, urged Domitius Paris (*q.v.*), an actor (and another of Domitia's freedmen) to go and denounce Agrippina's alleged plot to Nero (since Paris was an apparent court favorite). Agrippina in her defense accused Paris and Atimetus of concocting a melodrama (*scaenae fabulas*) by such imputations, and successfully refuted the charges; Atimetus was executed (*supplicium sumptum*) presumably for *calumnia*. Arguably, Atimetus was motivated by the feelings of a client towards his patroness in denouncing Agrippina.

14 A. Avillius Flaccus

Philo *Flac.*; *Leg.* 132; *Acta Alex.* 2.2; Euseb.-Hieronym. *Chron.* 177, 214.

Barrett 1989: 23, 39, 185–7; Bauman 1974: 90; 1992: 152; Brunt 1961: 208–9; Levick 1976a: 206; Marshall 1990: 345; Rogers 1935: 101; Seager 1972: 211; Stein 1927: 363–4.

PIR² A 1414; RE 2.2392 = Avillius 3 (Rohden); CIG 4716; 4957; IGRR 1.1290 C 10(?).

He was born and educated in Rome, with C. and L. Caesar as his schoolmates. Levick (1976a: 206) notes that Flaccus was Tiberius' close friend and a supporter of Ti. Gemellus for the succession. He appears to have acted as prosecutor in the case Tiberius built against Agrippina the Elder in 29. One charge might have been adultery (Tac. *Ann.* 6.25.1–2), and it is possible that libel (against Sejanus) was appended to the charges as well (*Ann.* 5.4.4; cf. above, p. 146). Afterwards, he was appointed praefect of Egypt in 32 or 33, very probably as a reward for his accusation against her. Although Levick argues (contra Rogers 1935: 101 and Bauman 1974: 90) that there is no certain indication of a formal trial, despite Suet. *Tib.* 64 and Philo *Flac.* 9, it seems beyond doubt that Flaccus was involved in some significant way in her downfall (concerning which see Marshall 1990: 345), and given the fact that he attained the important post of the *praefectus Aegypti*, it seems reasonable to assume his involvement in the accusations against her, and to assume that there was in fact some sort of legal procedure, either *intra cubiculum* or before the senate. Whatever his role in Agrippina's fall, it did not put him in good standing with Gaius, and he did not long survive his succession; he was removed as praefect, exiled, and executed in 39. Virtually everything we know of Flaccus comes from Philo's oration in *Flaccum*: Flaccus became praefect of Egypt around 32; early in

his tenure he showed many excellent qualities and ruled well. He was a capable administrator, a meticulous judge, and helped to maintain social and political order in a place where that was not the easiest of tasks. All went well until Tiberius' death. Flaccus, as the prosecutor of Gaius' mother and supporter of Gemellus, feared Tiberius' successor. He therefore now tried to ingratiate himself with Gaius by choosing counselors who, he thought, would help him win Gaius' favor (*Flac.* 18–23). This merely resulted, however, in a deterioration of his rule as praefect, culminating in the systematic persecution of the Jews in Alexandria, since his new advisors were fierce anti-Semites (see esp. *Flac.* 23; 53–4; 56–7; 73–5; 96–101). It appears that Flaccus met a just end under Gaius (perhaps through the intercession of Herod Agrippa [*Flac.* 103]), for Flaccus was arrested by a centurion named Bassus, who arrived in Alexandria in secret (*Flac.* 112) and, having learned that Flaccus was feasting at the house of Stephanio, one of Tiberius' freedmen, went with a company of men who, having secretly gained entrance to the house, surrounded and sealed off the dining room and seized Flaccus (*Flac.* 113–15). Taken to Rome, he was accused by Isidorus (*q.v.*) and Lampo (*q.v.*), his two worst enemies, according to Philo (*Flac.* 125). Both men were Alexandrians who had suffered under Flaccus, and their prosecution appears to have been a vendetta against him, for Flaccus had previously charged Lampo with *impietas* against Tiberius, desiring to confiscate Lampo's property (*Flac.* 128–9), and Isidorus had suffered a similar fate (*Flac.* 136–45). In a passage that could look back to how Flaccus handled the case of Agrippina, Philo says that Flaccus was a keen manipulator of evidence and cooked the books when it suited his purposes (*Flac.* 131). He was condemned, his property confiscated and transferred to the emperor (*Flac.* 146; 150), and he was exiled to the island of Andros; originally he was to go to the island of Gyara, but his friend Lepidus, husband of Gaius' sister Drusilla, interceded on his behalf (*Flac.* 151). His exile was an anxious one, even if we give scope for Philo's highly rhetorical elaboration of Flaccus' tormented mind (*Flac.* 166–79), and Gaius eventually had him executed (*Flac.* 183–91).

15 Baebius Massa

Mart. 12.29.2(?); Plin. *Ep.* 3.4.4–6; 6.29.8; 7.33.4–8; Tac. *Hist.* 4.50.2; Agr. 45.1; Juv. 1.35; *schol. ad Juv.* 1.35; Sid. *Apoll. Ep.* 5.7.3.

Bauman 1974: 33–4; Chilver 1985: 61; Courtney 1980: 92; Demougin 1992: 611–13; Eck 1970: 75, 105; Heubner 1976: 117; Jones 1979: 28 n. 39, 99; Nicols 1978: 152; Ogilvie and Richmond 1967: 307–8; Pflaum 1960: 98–9; Sherwin-White 1966: 101–2, 389, 444–7; Stein 1927: 237, 269, 281; Syme 1991b: 564–5, 575; Talbert 1984: 465, 473–4, 476, 481, 485.

PIR² B 26; RE 2.2731 = Baebius 38 (Rohden).

The only information we have of Baebius Massa's early career is of dubious value at best, for, according to Juvenal's scholiast (1.35), Massa started off as a buffoon at Nero's court; he became so synonymous with delation under Domitian that Juvenal cited him as exemplar for this activity (1.35; he is also possibly to be identified with the Massa who is a napkin thief [*fur mappae*] in Martial 12.29.2). He was of equestrian rank (see Demougin 1992: 611–13), and is first mentioned in 70 as one of the procurators of Africa (Tac. *Hist.* 4.50.2), possibly of the diocese of Carthage (so Pflaum 1960: 98–9). As such, he was involved in putting down a revolt against Vespasian: Piso, the proconsul of Africa, was suspected of planning rebellion (Tac. *Hist.* 4.48–50), when soldiers were sent by Festus, the *legatus* of Africa, to murder him. Massa was responsible for carrying out Festus' order; Tacitus takes the opportunity of Piso's death to besmirch Massa's character, calling him "even then destructive to each man of the best character," and telling his readers that Massa will factor in as one of the evils (*inter causas malorum*) of the times his history will relate. In return for his services Vespasian may have adlected him into the senate (Jones 1979: 28 n. 39). He was proconsul of Baetica ca. 91 (Jones 1979: 99), though he did not reach the consulship, since the post at Baetica was his last, and was a praetorian province. In 93, at the request of the provincials, the senate assigned Pliny and Herennius Senecio (*PIR*² H 128) as prosecutors against him for misconduct during his administration (*Ep.* 3.4; cf. 6.29.8–10), a proceeding to which Tacitus refers (*Agr.* 45.1) and one which he will have recounted in the lost portions of his *Historiae*, since Pliny sends him a missive for insertion relating details about the case (*Ep.* 7.33; cf. 3.4.4; 6.29.8; see above, pp. 70, 131–2). Massa was then relegated, and his goods put under protective custody. There are two points of interest in this case: first, as Talbert notes (1984: 476 n. 115) there is no hint that Domitian influenced the verdict – something which is consistent with what Suetonius says concerning Domitian's excellent administration of justice in regard to the provinces. Second, a contradiction: Massa must have been relegated after this case, and as Sherwin-White remarks (1966: 445), could scarcely have had a role in the series of prosecutions which followed (contra Ogilvie and Richmond 1967: 307–8, who exemplify the view held by a number of scholars that Massa prosecuted Herennius on a charge of *impietas*, thereby instigating the final demise of the so-called Stoic opposition [see Suet. *Dom.* 10.3; Dio 67.13.3]). Two items, however, argue against Sherwin-White. First, the passage in Tacitus' *Agricola* clearly implies that Massa did play a role in prosecutions after 93 ("and even then Massa was a defendant" *et Massa Baebius etiam tum reus erat*); second (and admittedly less reliably), Juvenal's scholiast (1.35) says that Massa, along with Mettius Carus (*q.v.*) perished at the hands of Heliodorus, one of Domitian's courtiers, indicating Massa's reinstatement. Finally, while we may suspect that he was involved in the fall of some significant figures after 93, no specific delation can be attributed to him, and Mettius Carus prosecuted Herennius, his nemesis. In conclusion, Massa's exile must have been brief; he soon returned and had a short, but apparently

unpleasant career as a *delator* in Domitian's final years, after which nothing more is heard from him.

16 Brutteditius Niger

Sen. *Contr.* 2.1.35–6; *Suas.* 6.20–1; Tac. *Ann.* 3.66.5–6; Juv. 10.83(?).

Bauman 1974: 92–9; Courtney 1980: 463; Fairweather 1981: 80; Köstermann 1963: 548–9; Levick 1976a: 202, 214; Marsh 1931: 112–13; Rogers 1935: 66–70; Seager 1972: 159–61; Syme 1958: 326–7; 1970: 65–6; Woodman and Martin 1996: 459–62.

PIR³ B 158; RE 3.907 = Brutteditius 2 (Heinze).

As Syme (1970: 65–6) notes, Brutteditius' name presents some difficulty: it occurs in no inscription in Italy, only a Bruteditius (CIL 6.28776); more common is Bruttidius (an emendation preferred in Nipperdy-Andresen's and Beroaldus' editions of Tacitus). Juvenal has a Bruttidius in 10.83, although Seneca the Elder (*Contr.* 2.1.35) has Brutteditius. The discrepancy in orthography between Tacitus (Bruttidius) and Seneca (Brutteditius), however, is not insurmountable, and both are probably the same individual. Seneca refers to a Brutteditius Brutus (*Contr.* 7.5.9; 9.1.11), and Syme (1970: 65) postulates a family connection between Brutus and Niger. Brutteditius studied under the rhetorician Apollodorus of Pergamum (Sen. *Contr.* 2.1.36); he was aedile in 22 when he became involved in the case against C. Silanus (see above, p. 68). It was he, along with Junius Otho (*q.v.*), who accused Silanus of *maiestas*, while Mam. Aemilius Scaurus (*q.v.*) accused him of *repetundae*. There were two *maiestas* charges, one for denigration of Tiberius, the other for *impietas* against the *numen* of Augustus; which of the two *maiestas* charges he undertook, or whether it was all of a piece, and whether he was either the main prosecutor or *subscriptor* is uncertain. Tacitus tells us the following: "Junius Otho as praetor and Brutteditius Niger the aedile simultaneously seized upon and accused [Silanus] of violating Augustus' divine spirit (*numen*) and spurning Tiberius' *maiestas*." Why Brutteditius' charge was necessary when Silanus' guilt *de repetundis* was so apparent raises some difficulty; he may have been equally guilty on all counts (that the case *de repetundis* was open and shut is perhaps indicated by Tacitus' silence in the face of Silanus' own staff turning *accusatores*, a far cry from how Tacitus depicts the case of Caepio Crispinus [*q.v.*] against Granius Marcellus). Tacitus states that Brutteditius was a man of talent and would have gone further had he followed a better course. Although it is by no means certain, he was possibly, like Junius, Sejanus' client. He was infamous for employing his talents to destroy decent men; eventually he outdid even himself, according to Tacitus, and met a sudden end, disdaining a slow but safe career path. Despite Tacitus' remarks, we have only one other case to Niger's credit, in which Vallius Syriacus was his opponent (Sen. *Contr.* 2.1.36); neither the date nor details of the case are

known. We can divine from Juvenal that he fell in the wake of Sejanus' conspiracy. Brutedius is classed among the historians in Seneca (*Suas.* 6.20–1), and he appears to have written a history that included the death of Cicero, a subject which, according to Seneca, Brutedius did not treat well. His activities as a historian may account for Tacitus' remark that he was "abounding in noble talents." The mention of his name in Juvenal is significant; Juvenal will have expected his audience to know who Brutedius was, perhaps through his own writings (or through his notorious activities under Tiberius).

17 (C.?) (Magius?) Caecilianus

Tac. Ann. 3.37.1–2(?); 6.5–6.7.1.

Bauman 1974: 103, 106, 125; Furneaux 1896: 602; Köstermann 1965: 248–52; Marsh 1931: 202; Rogers 1933a: 121–3; 1935: 131–5; Seager 1972: 226; Syme 1958: 323; 1970: 66; Talbert 1984: 250; Weinrib 1968: 48.

PIR² C 187(?); RE 3.1172 = Caecilianus 2 (Groag).

He is possibly to be identified with Magius Caecilianus, whom Considius Aequus (*q.v.*) and Caelius Cursor (*q.v.*) falsely accused in 21; Furneaux conjectures his praenomen was C. If he is the same individual, his career does not appear to have advanced very far between 21 and 32 (hence Furneaux's rejection of identifying Caecilianus as Magius at 6.7.1). It was in 32 that he accused M. Aurelius Cotta Maximus Messalinus (PIR² A 1488) of impugning the manhood of Gaius Caesar, and of referring to a banquet commemorating the birthday of Augusta as a funeral feast; it was alleged as well that Cotta had complained about the undue influence of M'. Lepidus and L. Arruntius in a dispute over money, in the course of which he had allegedly spoken ill of the princeps. The charge was most likely *maiestas* (perhaps under the rubric of libel), but appears not to have been accepted, for Tiberius (significantly) dismissed the case and demanded that words not be turned to criminal charges (see above, pp. 99–100). Caecilianus, who had been Cotta's most vigorous attacker, was punished, probably for *calumnia*. Caecilianus' motives could have been partisan; it is possible that he was a supporter of Gaius and wanted to attack an opponent, or that he had his eye on the next reign and wanted to ingratiate himself with the heir apparent, although that may be a tall order, given that Gaius' succession was five years in the future. Nothing more is heard or known of Caecilianus – or his descendants – after 32.

18 Caelius Cursor

See Considius Aequus; Demougin 1992: 209–10.

PIR² C 129; RE 3.1265 = Caelius 22 (Stein); see also Considius Aequus.

Caelius' life and family are shrouded in complete obscurity except for a single appearance in Tacitus. An equestrian, in 21 Caelius was Considius Aequus' partner in their attack on Magius Caecilianus. He shared Considius' fate (*q.v.*). Of Caelius, nothing more is known.

19 Caepio Crispinus

Tac. Ann. 1.74.

Badian 1973: 77–85; Goodyear 1981: 157–64; Köstermann 1955: 83; 1963: 240–2; Marsh 1931: 110; Rogers 1935: 9–10; Seager 1972: 153–4; Sinclair 1995: 11–12, 118–19; Syme 1958: 693; 1970: 71–3.

PIR² C 149; RE 3.1280 = Caepio 3 (and probably 4) (Groag); CIL 6.31762; 6.31765.

Nothing is known of Crispinus or his family prior to 15, when he was the principle *accusator* against Granius Marcellus (PIR² G 211; RE 7.1822–3 = Granius 14 [Groag]) for *maiestas* and *repetundae* (see above, p. 68 for discussion). Tacitus only indicates that Caepio indicted Marcellus for *maiestas*, not extortion, and the charge of *repetundae* was referred *ad recipitatores* while the charge for *maiestas* was tried before the senate and the emperor; Caepio had been Marcellus' quaestor in Bithynia, and, while the accusation of his superior might have offended Roman sentiments, it was by no means unique (see e.g. Cic. Div. Caec. 59; Tac. Ann. 3.67.1, where Gellius Publicola and M. Paconius, legates of C. Silanus, join Silanus' accusers in prosecuting him for extortion in Asia, an incident Tacitus passes over without comment). Romanus Hispo (*q.v.*) assisted his enterprise. Caepio's allegations against Marcellus included "sinister conversations about Tiberius"; Caepio, according to Tacitus, produced evidence in which Granius had enumerated all of Tiberius' vices, which were all the more damning because true. Tiberius ultimately dismissed the *maiestas* charges. Caepio may also have the dubious distinction in Tacitus of showing the way for other *accusatores*, although Tacitus' description exemplifying the *accusator/delator* is problematic (Tac. Ann. 1.74.1–5; see above, p. 10 for full citation, translation, and discussion of the passage). The problem is best illustrated by Tacitus' own words:

Nec multo post Granium Marcellum praetorem Bithyniae quaestor ipsius Caepio Crispinus maiestatis postulavit, subscribente Romano Hispone: *qui* formam vitae iniit quam postea celebrem miseriae temporum et audaciae hominum fecerunt. nam egens, ignotus, inquires, dum occultis libellis saevitiae principis adrepat, mox clarissimo cuique periculum facessit, potentiam apud unum, odium apud omnis adeptus dedit exemplum, quod secuti ex pauperibus divites, ex contemptis metuendi perniciem aliis ac postremum sibi invenere. sed Marcellum insimulabat

sinistros de Tiberio sermones habuisse, inevitabile crimen, cum ex moribus principis foedissima quaeque deligeret accusator obiectaretque reo. nam quia vera erant, etiam dicta credebantur. addidit Hispo statuum Marcelli altius quam Caesarum sitam, et alia in statua amputato capite Augusti effigiem Tiberii inditam.

There is a confusion of identity here, which arises from the ambiguity of the relative pronoun *qui*: does it refer to Caepio or Hispo? As it stands, it is impossible to tell (see Sinclair 1995: 11–12 for discussion). That the *accusator* is described as *egens* (“poor”) has been used to argue that it must refer to Hispo since Caepio, were he quaestor on a governor’s staff, would presumably not be *egens* (Syme 1958: 693: “Crispinus was a quaestor, whereas the ‘delator’ here characterized is called ‘egens ignotus’, and the ‘subscriber’ in a prosecution might well be a person of lower status – ‘venalis adscriptor et subscriber tuus’ (Cicero, *De domo* 48),” although men of high status were not necessarily wealthy). The phrase *addidit Hispo*, however, appears to indicate that it is Caepio to whom Tacitus has been referring in this passage all along, with the *sinistri sermones* constituting the main part of the *maiestas* charge, while Hispo, as the *subscriber*, added the charge of *impietas*. The *egens* may allow us to conjecture (and no more than conjecture) a motive in Caepio’s undertaking the accusation against Marcellus: had he been disappointed in his hopes for lucre in Bithynia? He would not, after all, be the first to have been frustrated by his chief of staff if such were the case (see e.g. Catul. 28). After this trial no more is heard of Caepio himself, although his descendants appear to have remained involved in public life. There is possibly a son who was consul *suffectus* (A. Caepio Crispinus) with Q. Asinius Marcellus, and a daughter, Crispina (*PIR*² C 152), possibly wife of Q. Septicius (and mother of M. Septicius Sura), a legate of Tiberius and later Gaius. A connection with Hispo, his notorious partner, is possibly attested in the name Ti. Caepio Hispo (*CIL* 6.9357; 11.5065; *Plin. Ep.* 4.9.16; *Dig.* 40.5.26.7; *PIR*² C 151), who was involved in the prosecution of Julius Bassus in 101 or 102 (*Plin. Ep.* 4.9; see Sherwin-White 1966: 274–9 for discussion). Syme, in addition (1958: 326 n. 5), thinks that Tacitus “was not oblivious of the contemporary consulars A. Caepio Crispinus and Ti. Caepio Hispo” (concerning A. Caepio see *PIR*² C 150; *ILS* 1027; Badian 1973: 77–85).

20 Calpurnius Salvianus

Tac. Ann. 4.36.1.

Garnsey 1970: 31; Köstermann 1965: 126; Marsh 1931: 294; Woodman and Martin 1989: 185.

*PIR*² C 315; *RE* 3.1401 = Calpurnius 114 (Stein); *CIL* 2.2256.

He was likely the descendant of the Calpurnius Salvianus (RE 3.1401 = Calpurnius 113 [Münzer]) who had conspired in 48 BC against Q. Cassius Longinus (*Bell. Alex.* 53; 55; Val. Max. 9.4.2). His descendant, also Calpurnius Salvianus, besmirched the family name by turning *delator*. In 25, he approached Drusus, Germanicus' son, who was just entering the office of city praefect during the *feriae Latinae*; indeed, Tacitus states that he approached him just when he was about to take the auspices, in order to accuse Sextus Marius (PIR² M 295), though for what we are not told. Tiberius stepped in to prevent the charge, openly rebuked Salvianus for entering an accusation during a sacred festival (concerning the presentation of charges during holidays, see *Dig.* 2.12.2), and exiled him. Garnsey has conjectured that the charge against Calpurnius will have been sacrilege for entering a charge on a *dies nefas*. The sentence was not necessarily just; everything we know about Sextus Marius indicates that he was a bad, if not depraved character (Dio 58.22.2–4; Tac. *Ann.* 6.19.1). An *amicus principis*, wealthy, corrupt, and a gross voluptuary, Marius embarrassed Tiberius; in the end he was cast from the Tarpeian Rock after being charged for incest with his daughter (though Dio discounts the charge as a malicious lie). Nonetheless, it is almost impossible to reconstruct the motives Salvianus had for his accusation, let alone the charge. Nothing more is heard of Salvianus after his exile, although a freedman of Salvianus' may be referred to in CIL 2.2256.

21 Calvisius

For all pertinent bibliography see Iturius.

PIR² C 343; RE 3.1410 = Calvisius 1 (Groag).

Junia Silana's client and Iturius' partner in the prosecution of Agrippina in 55, he appears to have played an identical role and suffered the same fate as Iturius (*q.v.*). Nothing more is known concerning Calvisius' career or family, and nothing to date in the epigraphic record (where the name appears frequently) can be connected with the Calvisius in Tacitus.

22 Caprius

Hor. *Sat.* 1.4.65–70; *schol. ad Hor. Serm.* 1.4.65, 69–71.

Brown 1993: 132–3; Ullman 1917: 117–19.

PIR² C 417; RE 3.1551 = Caprius (Groag).

Nothing is known about Caprius except his name which appears in Horace's scholiast. He is portrayed as walking around hoarse from his accusations (*rauci male*) and carrying a notebook – presumably with a list of those he intended to

prosecute. As was to be the case later for *delatores* under Domitian, Caprius himself – and his partner Sulcius (*q.v.*) – appears to have been the bane even of criminals (*magnus uterque timor latronibus*); indeed, Caprius' name is used metaphorically by Horace for one who inspired fear – “I'm not the Capri or Sulci; why should you fear me?” Ullman suggests that Caprius is not a *delator* at all but one of Horace's rival poets, and further argues that the scholiast's interpretation of this passage and the identities of Caprius and Sulcius are influenced by the *delatores* one finds in Juvenal and the literature of the Empire, an interpretation not generally accepted (see Brown 1993: 132–3). As *delatores* go, Caprius is noted by the scholiast as one of the fiercest (*acerrimi*). Horace indicates that one of the things to be feared most from these *delatores* was simply the publication of their accusations, “Why do you fear me? No shop or pillar holds my pamphlets” (*cur metuas me? / nulla taberna meos habeat neque pila libellos*, see Brown 1993: 132–3 for discussion; cf. Horace's scholiast, “Moreover the things they denounce they mark down in pamphlets,” *Cum libellis autem, in quibus adnotant, quae deferunt*).

23 Cassius Severus[?]

Sen. *Contr.* 2.4.11; 3 *pr.* 1–17; 4 *pr.* 11; 7.3.8, 10; 9.2.12; 9.3.14; 10 *pr.* 7–8; 10.4.2, 25; 10.5.20; Plin. *Nat.* 7.55; 35.164; Quint. *Inst.* 6.1.43; 6.3.27, 78–9, 90; 8.2.2; 8.3.89; 10.1.22, 116–17; 11.1.57; 11.3.133; 12.10.11; Tac. *Dial.* 19; 26; *Ann.* 1.72.3–4; 4.21.5; Suet. *Aug.* 56.3; *Cal.* 16.1; *Vit.* 2.1; Suet. *Gram.* 22; Plut. *Mor.* 60 D; Dio 55.4.3; 56.27.1; Tert. *Apol.* 10.7; Macr. 2.4.9; Hieronym. *Chron. Ol.* 202; Minuc. Fel. 23.9; Martin Lact. *Inst.* 1.13.8.

Barrett 1989: 67; Bauman 1967: 250, 255, 257–60, 264–5; 1974: 25, 28–31, 49, 119, 166–7; Fairweather 1981: 279–83; Goodyear 1981: 151–2; Köstermann 1963: 237; 1965: 93; Levick 1976a: 191–2, 286 n. 85; Marsh 1931: 60–1; Rogers 1935: 79–80; Syme 1958: 325–6, 570; 1986: 70, 315–16; Talbert 1984: 261, 265, 384, 461; Winterbottom 1964: 91–2, 95; Woodman and Martin 1989: 153–4.

PIR² C 522; RE 3.1744–9 = Cassius 89 (Brzoska).

Cassius Severus was born sometime during Augustus' reign and died under Tiberius. As is the case with Tacitean *delatores* (if, indeed, he is to be counted as such) he was from humble circumstances and of dubious character (*Ann.* 4.21.5), although Tacitus admits to his strength as an orator (*orandi validus*). Was Cassius a *delator*? Several items lead us to categorize him as such: first, there is Seneca's remark that he was not known to have defended anyone except himself (*Contr.* 3 *pr.* 5); second, there is Quintilian's (11.1.57) statement in reference to Cassius' prosecution of Nonius Asprenas (PIR² N 117) that Cassius took a certain pleasure in accusation (*quadam accusandi voluptate*); finally, there is Macrobius' remark (2.4.9) that many were acquitted whom Severus had

accused. In fact, we know of three prosecutions Cassius undertook, but there were certainly more. At one point (the precise date is uncertain), he indicted the renowned rhetorician, L. Cestius Pius (PIR² C 694), whom he had humiliated during a declamation, as Cassius tells us himself (*Contr.* 3 *pr.* 17). Cestius managed to get the case dismissed, but then Cassius went to another praetor and had him indicted for ingratitude (*ingrati*, *Contr.* 3 *pr.* 17). Cassius finally hauled him before the praetor *urbanus* and requested a guardian for him, but his friends intervened; Cassius promised to drop the case if Cestius would simply swear that he was less eloquent than Cicero (galling for Cestius, who was a fierce critic). He possibly had a role in the fall of Labienus as well, since the two were great enemies (*Contr.* 10 *pr.* 7–8; Bauman 1967: 255). He prosecuted Augustus' friend, Nonius Asprenas, on a charge of poisoning, a case in which Augustus did not interfere (Suet. *Aug.* 56.3; Syme 1986: 70, 315–16; Asinius Pollio spoke for the defense). The date of Nonius' case is problematic, but it appears to have taken place before AD 5, if the passage in Dio 55.4.3 is to be taken as referring to the same case (see Bauman 1967: 258, who accepts it as such, and argues that the outcome was probably Nonius' acquittal). According to Dio, Asprenas' accuser appeared after the case before Augustus for his outspokenness during the course of the trial (a trait which seems to support Bauman's identification of the accuser as Cassius, given his reputation, cf. Macr. 2.4.9), but was not punished. Quintilian also makes reference to Cassius' prosecution of Nonius, in particular, the vindictive relish with which Cassius apparently conducted it (Quint. *Inst.* 11.1.57). Bauman (1967: 259) argues that Cassius was the defendant in a prosecution by Fabius Maximus, against whom Cassius had directed a notorious and stinging witticism (Sen. *Contr.* 2.4.11); Fabius apparently brought up additional charges (*epi tois tropois*, Dio 55.4.4), and Cassius was acquitted on all counts. In a related case, we know from Quintilian that he was a defendant in a trial in which he incited his advocates to insult a friend of Augustus (L. Varus Epicurius, see *Inst.* 6.3.78; Bauman 1967: 257 for discussion). According to Macrobius, his activities as an accuser even drew the attention of Augustus himself: vexed at how long it was taking to complete his forum, Augustus was heard to remark, "I wish Cassius would prosecute the forum and get it off my hands." He was a prominent orator and writer of scurrilous pamphlets in Augustus' day (Dio 56.27.1; Tac. *Ann.* 1.72.4), something which finally landed him in trouble in either AD 8 or 12 (see Talbert 1984: 461; Bauman 1974: 28–31, who argues for a date of AD 8) when he was exiled. (For a detailed discussion on the chronological difficulties concerning Cassius' trial for his infamous pamphlets [*libelli*] see Bauman 1967: 259–60, 264–5; Bauman argues that his trial is attested in Dio 55.4.3 and mentioned in Tac. *Ann.* 1.72.4, that it took place in AD 6, but that he was then acquitted, while the trial to which Tacitus refers, resulting in his exile, took place in AD 8). Tacitus incorrectly says that this was the first case subjecting words rather than deeds to punishment (*Ann.* 1.72.3; but see the trial of Labienus, where Cassius may have been the prosecutor; see above, p. 89). According to Tacitus (*Ann.*

1.72.4), Augustus was motivated not by attacks against himself, but by Cassius' impudent writings (*procacibus scriptis*) against distinguished (*inlustres*) men and women. Bauman (1974: 49) notes that he was condemned to *relegatio*, "well below the statutory penalty for *maiestas*." It is possible that Seneca refers to this trial in *Contr.* 2.4.11, where he says that Fabius Maximus (possibly Augustus' friend) at one point prosecuted Cassius; no love was lost between the two, and Fabius was the butt of one of Cassius' notoriously sarcastic witticisms. Suetonius' life of Vitellius gives us some idea of the nature of Cassius' writings: he had attacked one of the earliest members of the *gens Vitelli* as a cobbler, whose son went on to become an informer and a dealer in confiscated property, who himself married a prostitute, the daughter of a baker. Cassius was first exiled to Crete, but later, when he continued his attacks, was sent to the barren island of Seriphos (in 24) and his goods confiscated. His works were banned under Augustus and Tiberius, but Gaius allowed them to come back into circulation (Suet. *Cal.* 16.1), and Quintilian was clearly familiar with them (see e.g. *Inst.* 10.1.22). Indeed, even Tertullian appears to have known them, and assumes his audience's familiarity with them as well. We have a great deal of information concerning (among other things) his rhetorical style as a result of Seneca the Elder's discussions of Cassius in his *Controversiae*. His presence was a physically imposing one, since he was a large man, according to Seneca, and this made his delivery powerful even though he controlled it to make it pleasant at the same time (*Contr.* 3 *pr.* 3). He was apparently quick with a joke, and this could detract from the dignity of his speech; similarly, his personal life left something to be desired (Seneca says it lacked seriousness [*gravitas*]). Seneca also tells us that while Cassius was indeed a man of eloquence, this failed him in declamation (*Contr.* 3 *pr.* 1; 3 *pr.* 7). On the other hand, he tells us his oratory was powerful, refined, and full of vigorous sentences (*valens, culta, vigentibus plena sententiis*, 3 *pr.* 1) as well as fiery and passionate (*ardens et concitatum*, 3 *pr.* 7). Seneca himself asked Cassius why his talent as an orator failed him in declamation, and Cassius replied (3 *pr.* 8–18) that few men excelled in more than one art (3 *pr.* 8). He also remarked to Seneca that he felt declamation was superfluous, and viewed the practice as a detriment to contemporary rhetoric and a poor substitute for the real battles between orators in the Forum. While Cassius praises Asinius Pollio, Messala Corvinus, and Passienus as the chief orators of the day (*Contr.* 3 *pr.* 14), he also notes that young men would rather listen to declaimers such as Latro or Cestius (3 *pr.* 15). He did not, however, entirely exclude himself from this activity, as a number of passages in Seneca (e.g. 7.3.8, 10; 9.2.12; 10.4.2, 25) attest. He then recounts how he one day humiliated Cestius while he declaimed (3 *pr.* 16): "Cestius, marveling at his own deeds as was his wont, was speaking: 'If I were a Thracian I would be Fusius; if a pantomime, Bathyllus; if a horse, Melissius.' I couldn't contain my wrath and shouted, 'If you were a sewer you would be the Cloaca Maxima!'" Cestius refused to continue unless Cassius left, which he refused to do. (For more of Cassius' rapier wit, cf. Sen. *Contr.* 9.3.14; 10 *pr.* 8). Gallio, a friend of

Seneca's, summed up his power as a speaker (*Contr.* 3 *pr.* 2): "When he spoke, he was master of all: to such an extent did all obey his orders; when he wished it, all were angry. Everyone feared, when he was speaking, that he would stop." A high compliment indeed. Seneca says that a number of Cassius' published works were better heard than read (*Contr.* 3 *pr.* 3). He was best, according to Seneca, speaking *ex tempore* (*Contr.* 3 *pr.* 4; 6), but was known to plead using notes, or even reading from a whole speech already written out (3 *pr.* 6), though this did not detract, apparently, from his wit. His barbed humor, again, receives particular attention in Quintilian, who frequently notes in his discussion on witticisms in oratory the effective use Cassius made of humor (*Inst.* 6.1.43; 6.3.78–9; 8.2.2; 11.3.133), which was known to be bitter (*acerbum*) but not abusive (6.3.27). Suetonius (*Gram.* 22) also notes his humor and how he used it to the detriment of an opponent in the courts. Plutarch tells us that he did not restrain his biting wit, even in the senate, where he one day made a sarcastic remark against a senator who flattered Tiberius. Cassius himself appears to have taken pride in his ability at employing bitter invective (Quint. *Inst.* 8.3.89). In the late first century, rhetoricians had divided opinions concerning Cassius' style: hence, in Tacitus' *Dialogus* (19), Aper views him as a man with discriminating tastes, who realized that under Augustus the demands of the orator's audience had changed, desiring Cassius' sententious style of rhetoric. His fellow interlocutor, Messalla, expresses quite a different view: Cassius was a good speaker in comparison to those who followed, but set against speakers of the past, he is "more full of bile than of blood" (*Dial.* 26.4). In Messalla's view, he despised a well ordered structure in his orations, disdained modesty and decorum of language, was quarrelsome, and, to use Messalla's metaphor, was "so eager to hit his mark that he frequently missed it." Quintilian's opinion falls somewhere between Aper's and Messalla's, for while he speaks of Cassius with admiration, noting that he will offer much to the discriminating reader worthy of imitation, and speaks of the dignity of his speech (*gravitas orationis*), of his marvelous bitterness (*acerbitas mira*), and of his wit and ardor (*urbanitas et fervor*, 10.1.116–17; cf. 12.10.11), he qualifies his opinion by noting that he was too bitter, and that his bitterness (*amaritudo*) turned ridiculous. For a good general analysis of Cassius' style see Fairweather (1981: 278–83).

24 Cervarius Proculus

Tac. *Ann.* 15.50.1; 15.66.3; 15.71.2.

Demougin 1992: 472–3; Köstermann 1968: 270, 312, 321; Rudich 1993: 118.

PIR² C 680; RE3.1987 = Cervarius (Stein).

Cervarius Proculus was an equestrian involved in the Pisonian conspiracy in 65 (see above, pp. 166–70). One of the more intolerable aspects of the revelation of the conspiracy was that Faenius Rufus (PIR² F 102), joint praetorian praefect

with Tigellinus, was one of the main conspirators who viciously interrogated his fellow conspirators while he himself went undetected. Flavius Scaevinus (*PIR*² F 357) finally incriminated him, and Cervarius Proculus was instrumental in effecting his conviction. This helped to uncover the conspiracy in the praetorian camp, which would have been a particular threat to Nero. For his timely denunciation Cervarius, along with Antonius Natalis (*q.v.*), was rewarded with pardon for his involvement. He is not heard from again after the Pisonian plot.

25 C. Cestius Gallus

Plin. Nat. 10.124; 34.48(?); *Tac. Ann.* 3.36; 6.7.2–6; 6.31.1; *Suet. Tib.* 42.2(?); *Dio* 58.25.2.

Bauman 1974: 86; Demougin 1992: 297; Furneaux 1896: 603; Gallivan 1978: 407–8, 414; Garnsey 1970: 32, 34; Köstermann 1955: 95; 1963: 489–90; 1965: 253–4, 314; Levick 1976a: 103, 194, 198, 202; Marsh 1931: 202–3, 305; Marshall 1990: 343; Rogers 1932: 76–8; 1935: 135–6; Seager 1972: 227; Talbert 1984: 468–72; Woodman and Martin 1996: 312–13.

*PIR*² C 690; *RE* 3.2005 = Cestius 8 (Groag); *AE* 70.98; 82.199; *CIL* 6.33950; *IGRR* 1.495.

Cestius enters history in 21. A senator, he raised a complaint in the senate concerning a common type of abuse of the emperor's image: individuals were seeking refuge at imperial images, grasping them and then verbally abusing those against whom they had a grudge – slaves and freedmen were especially guilty of this (*Tac. Ann.* 3.36). It was a dodge around the law against libel. Cestius complained that imperial images were not refuges for criminals, any more than were temples; his case was based on personal experience. He had recently convicted Annia Rufilla (*PIR*² A 721) of fraud, and she harassed him by clinging to a statue of the emperor outside the senate and verbally assailing him. Cestius' complaint evoked similar stories, and his case was handled promptly: Annia was convicted (of what we do not know, possibly *impietas*), and taken into custody (for discussion of this case and Annia Rufilla, see Bauman 1974: 86; also Woodman and Martin 1996: 312–13 [citing Garnsey and Talbert]; Rogers 1932: 76–8). He does not appear again until eleven years later, when he denounced Q. Servaeus (*PIR*¹ S 398) and Minucius Thermus (*PIR*² M 630) to Tiberius (see above, p. 99). Cestius was possibly praetor at the time, although of this we cannot be absolutely certain: Lipsius emended Tacitus' text from *Cestium patrem* to *praetorem*, and this finds general acceptance among modern scholars since Cestius was consul three years later (see Furneaux 1896: 603; Köstermann 1965: 253 for discussion). According to Tacitus, Cestius' *delatio* reflected badly on his social status "since the foremost men (*primores*) were laying even the basest delations (*infimas delationes*)" (*Ann.* 6.7.4). The last

we hear of Cestius in Tacitus is in a notice of the year 35, when he is consul with the renowned historian M. Servilius Nonianus. He is surely not to be identified with the depraved character Cestius Gallus in Suetonius; Suetonius' Cestius is referred to as an old man (*senex*) who had already been censured by Augustus. The C. Cestius who held the consulship in 35 (Pliny *Nat.* 10.124 gives 36 as a date; he says that Cestius was consul in March with M. Servilius) is probably identifiable as the one mentioned in Plin. *Nat.* 34.48. Pliny states that the consular C. Cestius was around a little before Nero's day and liked to carry a small figure of a sphinx around as a talisman, even carrying it into battle. He was consul *suffectus* for a third time in 42, replacing Claudius, himself a colleague with C. Caecina Largus (see AE 70.98; 82.199; Gallivan 1978: 407–8). The more recently discovered inscriptions now put us in a position to correct *PIR*, which identifies C. Cestius Gallus' son (*PIR*² C 691) as consul in 42 (and later as involved in putting down the revolt in Judaea in 66), rather than Cestius himself.

26 Cestius Severus

Tac. *Hist.* 4.41.2.

Chilver 1985: 53–4.

*PIR*² C 696; *RE* 3. 2011 = Cestius 17 (Groag); *CIL* 15.2426(?).

Nothing can be recovered concerning Cestius Severus' career other than his name and the fact that he had rendered himself notorious for his “frequent” (*crebris*) prosecutions under Nero (*Hist.* 4.41.2), none of which are known; he was sufficiently obnoxious to earn rank among those lesser *delatores* (including Sariolenus Vocola, Nonius Attianus and Paccius Africanus, *q.v.*) punished at a rancorous senate meeting in January of 70. He was apparently one of those *delatores* who took an oath swearing that they had harmed no fellow senator under Nero, and who were subsequently punished for their perjury.

27 Claudius Demianus

Tac. *Ann.* 16.10.2.

Köstermann 1968: 352; Rudich 1993: 142.

*PIR*² C 848; *RE* 3.2702 = Claudius 127 (Stein).

Claudius Demianus is known only from the case of L. Antistius Vetus (*PIR*² A 776) in 65 (see above, pp. 154–5). He appeared as an accuser against Antistius; presumably he had special knowledge of the relationship between Vetus and Rubellius Plautus (Vetus' son-in-law), earlier alleged to have conspired against

Nero (for which he was executed in 62). Demianus also had good reason to hate Vetus since he had been prosecuted (and cast into chains) by Vetus for crimes committed in Asia. Hence, he could have been only too happy to accuse Antistius as a vendetta against him. Of Claudius' family and career nothing further is known.

28 Considius (L. Considius Gallus?) (Considius Proculus?)

Tac. Ann. 5.8; 6.18.1–2(?).

Köstermann 1965: 233–4, 282–3; Marsh 1931: 294; Rogers 1935: 125; Seager 1972: 231–2; Syme 1988: 238.

PIR² C 1278; 1280(?); 1281(?); RE 4.913 = Considius 9 (Groag); CIL 6.31705.

Considius was the accuser of Pomponius Secundus (PIR² P 754; he was defended by his brother Q. Pomponius) in 31 (after Sejanus' fall) for friendship with Aelius Gallus, Sejanus' son (see above, p. 98). Considius was praetor at the time, and the trial took place before the senate; he is possibly to be identified with L. Considius Gallus L. f., who had held the offices of city praefect (*praefectus urbis*), quaestor, tribune of the plebs, *praetor inter civis et peregrinos*, and *quindecimvir sacris faciundis*. Scholars conjecture that Considius Proculus was likely to have been a relation – though not necessarily his brother (Rogers 1935: 144–5; Köstermann 1965: 282–3); however, that Considius Proculus is to be identified with our Considius and not with L. Considius Gallus merits some consideration. Q. Pomponius (*q.v.*), Pomponius Secundus' brother, charged Considius Proculus with *maiestas* in 33 (Tac. Ann. 6.18.1–2). One of the reasons scholars tend not to think they are the same individual is Tacitus' silence about Considius facing retribution for his failed prosecution against Pomponius in 31, but Tacitus does not always comment on the ultimate fate of every *delator* (cf. Libo's accusers, especially Trio and Vibius, whose ends are spectacular; Tacitus mentions nothing of this before their demise). We should not be so swift to discount the easy way out and identify our Considius with Considius Proculus instead of L. Considius Gallus. If Considius is Considius Proculus, then the motive for Pomponius' accusation against him becomes one of revenge, although Tacitus states he undertook the accusation to lessen the dangers for his brother Secundus. The motive of revenge works in any case, since Pomponius' vendetta may have simply transferred itself to an easy prosecution of one of Considius' relations. Whichever Considius it was who accused Pomponius in 31, his target was not a small one, for he had been one of those who controlled access to Sejanus (Tac. Ann. 6.8.10). Considius was not successful in his prosecution, and Pomponius survived into Claudius' reign.

29 Considius Aequus

Tac. *Ann.* 3.37.1–2.

Demougin 1992: 210; Köstermann 1963: 490–1; Rogers 1935: 61; Seager 1972: 121, 157; Woodman and Martin 1996: 314–15.

PIR² C 1279; RE 4.912 = Considius 8 (Stein).

In 21 Considius Aequus, an equestrian, charged Magius Caecilianus, then praetor, with *maiestas* under false pretense. No specific details of the charges brought by Considius are known other than these. They were found to be groundless. Tiberius demanded Considius' punishment, and the senate passed a decree against him in compliance; we have no more details about the case, but it is virtually certain that he would have been charged with *calumnia*, for which he would have been expelled from the senate (cf. Firmius Catus). Nothing more is known concerning Considius, his family, or this case, although it appears that it was heard before the senate with Drusus, not Tiberius, presiding.

30 Cornelius (Crispus?)

Tac. *Ann.* 6.29.4–6.30.1; Suet. *Tib.* 61.3; cf. Dio 58.24.4.

Bauman 1974: 126–8; Furneaux 1896: 631; Köstermann 1965: 311; Levick 1976a: 214; Marsh 1931: 204, 215–16, 275–6, 286–7; Rogers 1935: 151–4; Seager 1972: 236; Syme 1958: 336–7.

PIR² C 1307(?); 1342(?).

Cornelius (the only name that comes down to us, although Nipperdy suggests Cornelius Crispus, which would mean that Servilius' cognomen is Tuscus [*q.v.*]) was involved in the downfall of Mam. Aemilius Scaurus (*q.v.*) in 34 (see above, p. 100). It was a famous prosecution, and Tacitus, in relating Servilius' and Cornelius' downfall, calls them "notorious for Scaurus' destruction" (*perdito Scauro famosi*). Both came to a bad end soon after Scaurus' trial, when they were exiled to islands and interdicted from fire and water for attempting to blackmail Varius Ligur (PIR¹ V 189) on an unspecified charge. It was a punishment, given their notorious activities, the senate was only too happy to execute (Tac. *Ann.* 6.30.1).

31 P. Cornelius Dolabella

Vell. *Pat.* 2.125.5; Tac. *Ann.* 3.47.3–5; 3.69; 4.23.2–4.26; 4.66; 11.22.3–10.

Hammond 1957: 75; Jagenteufel 1958: 14–17; Köstermann 1963: 507, 553; 1965: 97–101, 195–6; 1967: 70–4; Levick 1976a: 52, 109, 130, 151, 276–7 n.

111; Rogers 1935: 94; Seager 1972: 143–4, 160–1, 170, 205; Syme 1958: 574; 1986: 97–8, 101, 129, 316, 327, 424; Talbert 1984: 169, 247–8, 259, 350; Vogel-Weidemann 1982: 85–92; Wilkes 1969: 82; Woodman and Martin 1989: 241; 1996: 355–7, 468.

PIR² C 1348; RE 4.1308–10 = Cornelius 143 (Groag); AE 61.107; 64.227–8; 76.520; 80.56; 95.1229–30.

His family, an old and noble one, was always close to the centers of power (see Hammond 1957: 75): Caesar appointed his grandfather consul in 44, and his father handled negotiations in Alexandria between Octavian and Cleopatra (Plut. *Ant.* 64). The career of Dolabella himself is well documented in the epigraphic record: *CIL* 6.1384 puts him in the consulship in 10 with C. Junius Silanus, when he possibly supervised the restoration of the *aqua Marcia*. He was the propraetorian legate (*legatus pro pr.*) of Illyricum under both Augustus and Tiberius (*CIL* 3.1741 = *ILS* 938; cf. *CIL* 3.2908 = *ILS* 2280); Velleius Paterculus praised his governance of the province. *CIL* 3.14712 (cf. *CIL* 3.3200–1 and *ILS* 5829) indicates that he was in Illyricum until sometime in 20 (the last three inscriptions indicate that he was undertaking road construction in Dalmatia, though Tiberius received the credit, see Levick 1976a: 111 citing *ILS* 5829; *CIL* 3.3199). He was a *septemvir epulo* and a *sodalis Titiensis* (*CIL* 3.1741 = *ILS* 938) and a *quinquennialis Salonis* (*CIL* 3.14712). Dolabella first appears in Tacitus in a notice under the year 21 when, amidst senatorial decrees, vows, and supplications for Tiberius after the end of Sacrovir's rebellion in Gaul, he made a sycophantic proposal that Tiberius enter the city with an ovation for his triumph, a proposal that earned Tiberius' rebuke (and possibly resulted in Tiberius' refusal of similar honors for Dolabella several years later). He appears again in 22 (Tac. *Ann.* 3.69.1–2) in the wake of C. Silanus' condemnation for *maiestas* (see above, p. 68). After his prosecution, Dolabella proposed "off the question" (so Talbert 1984: 259; cf. 350) an inquiry into the personal character of provincial magistrates, with the princeps as arbiter, a proposal which met with Tiberius' stern opposition on the basis that crime must precede punishment. He is next found as proconsul in Africa during a resurgent war against Tacfarinas in 24 (*CIL* 2.4129); during his watch Tiberius summoned the ninth legion back from Africa, despite the apparently still volatile situation in the province (Tac. *Ann.* 4.23.2). In that year, Tacfarinas laid siege to Thubuscum, but Dolabella ended the siege and fortified the forward positions; he also made an example of several of the chieftains of the Musulmani who had sided with Tacfarinas (Ann. 4.24.2). The move was unsuccessful, and Dolabella was compelled to call upon King Ptolemaeus to help him wage guerrilla warfare (Ann. 4.24.3). Dolabella eventually trapped the enemy at Auzea, and Tacfarinas, along with his Numidian cavalry, was cut down, putting a final period to a war whose first commander had been Junius Blaesus, Sejanus' uncle (Ann. 4.25). Dolabella now requested triumphal honors, and Tiberius refused,

fearing to offend Sejanus or his uncle, according to Tacitus (*Ann.* 4.26.1), though his refusal was possibly due to displeasure at Dolabella's servility in 21 (Seager 1972: 170). Tacitus says that this refusal merely enhanced Dolabella's reputation, in particular because with a weaker army he had captured some noteworthy enemies, killed their general, and ended the war (*Ann.* 4.26.2). Adding to Dolabella's prestige was his retinue of Garmantian envoys, who sought his favor out of fear of their failure to assist during Tacfarinas' rebellion (*Ann.* 4.26.3). Dolabella is not heard from again until his involvement in his accusation against Quintilius Varus (*PIR*² Q 29) in 27 (*Ann.* 4.66.2; see above, pp. 143–4): Afer's prosecution of Varus (*q.v.* under Domitius Afer) came as a surprise to no one, though "it was a surprise that Dolabella came forth as an ally of the prosecution" (*P. Dolabellam socium delationis extitisse miraculo erat*); what was objectionable was Dolabella's illustrious background, and that he was a relation of Varus' (he was his cousin, see Syme 1986: 98; cf. above, p. 144). The senate, however, did not accept the accusation, and insisted that the trial needed to await the presence of the emperor. Despite his attempt to ingratiate himself with the party of Sejanus and Tiberius, which is what appears to have motivated his prosecution, he survived into Claudius' reign, where he is last heard from when he proposes that quaestors defray the cost of annual gladiatorial games; the proposal prompts a brief history of the office by Tacitus, who says that Dolabella's proposal put the office up for sale, while previously qualification for that office had depended on merit (*Ann.* 11.22.3–4).

32 Cossutianus Capito

Quint. *Inst.* 6.1.14; Tac. *Ann.* 11.6.5; 13.33.3; 14.48.2; 16.17.6; 16.21.3; 16.22; 16.26.2; 16.28.1; 16.33.4; Juv. 8.92–4; cf. Dio 62.26.3.

Bauman 1974: 145, 153–6; Demougin 1992: 550; Griffin 1984: 65, 171, 175, 277–8 with n. 93; Köstermann 1967: 38, 298–9; 1968: 115–16, 379–84, 388–9, 405; Martin 1981: 145, 186; Rudich 1993: 25, 32, 56, 161, 166–70, 277 (on Capito's restoration, citing Talbert 1984: 29; Millar 1977: 297), 302, 305; Syme 1958: 332–3, 557; Talbert 1984: 250, 475.

*PIR*³ C 1543; *RE* 4.1673 = Cossutianus 1 (Groag).

We do not know if Cossutianus is his gentilicium or cognomen, but it appears elsewhere as a cognomen (*CIL* 14.2987). We know nothing of Cossutianus' career prior to 47, at which point he abruptly enters history in the debate over the reintroduction of the *lex Cincia*. He may not have even held the praetorship yet, since, as Talbert (1984: 250) notes, Tacitus portrays him as desiring to speak at a senate meeting, where he does not appear to have had the privilege; that may put his birth at around 17. Cossutianus and Suillius were the two most vocal critics of the *lex Cincia*'s proposed reintroduction (see above, pp. 43–4), which appears to have been directed against them in particular (Tac. *Ann.*

11.6.5). Tacitus' presentation leaves little doubt that Cossutianus' reputation as an advocate was already well established by 47, something supported by his statement concerning how Capito governed his province of Cilicia some years later: "He used the same privilege of audacity in his province which he had determined to exercise in the city," *idem ius audaciae in provincia ratum quod in urbe exercuerat* (Ann. 13.33.3; cf. Juv. 8.92–4, where he refers to Capito, along with Numitor, as one of the "pirates of the Cilicians"). He was legate of Cilicia in 55 or 56, and was subsequently accused by the provincials with the assistance of P. Clodius Thrasea Paetus (PIR² C 1187; Tac. Ann. 16.21.3; see above, p. 69) and condemned for *repetundae* in 57 (at virtually the same time Eprius Marcellus was acquitted for the same crime in Lycia, Tac. Ann. 13.33.4). The senate expelled Capito, but by 62 he had been reinstated through the petitioning of Ofonius Tigellinus, his father-in-law: in that year Capito accused Antistius Sosianus (*q.v.*) of *maiestas* (see above, pp. 113–14); Antistius was condemned, and Capito will have received a quarter share of his goods. It is a testament to Capito's influence and power that Annaeus Mela (PIR² A 613), when accused by Fabius Romanus of involvement in the Pisonian conspiracy in 66, tried to forestall the complete confiscation of his property after his suicide by naming Capito and Tigellinus in his will (Tac. Ann. 16.17.6). In the same year, Capito worked his revenge against Thrasea, whom he prosecuted (see above, pp. 115–18); Capito also named Helvidius Priscus, Paconius Agrippinus (PIR² P 27), and Curtius Montanus (PIR² C 1615) in the charge (which is not specifically stated), and Capito appears to have taken the lead in the prosecution, with Eprius Marcellus following him (Tac. Ann. 16.28.1). In the end, Thrasea was condemned and committed suicide, Priscus and Paconius were exiled, and Montanus was prohibited from holding any magistracies; the charges against Thrasea's intimates are unknown. Capito earned 5,000,000 sesterces for his efforts – which may or may not have been in addition to Thrasea's property. That Capito had Nero's ear for denouncing Thrasea and planning the trial would indicate that he was a member of the emperor's inner circle. Quintilian (6.1.14) recalls Capito as an *accusator* who was a good speaker, effective at rousing the emotions of his audience, and who scattered Greek throughout his oratory. After Capito's accusation of Thrasea nothing more is heard from him; if the fate of his father-in-law is any guide, he may have survived Galba, only to perish later in the year (Tac. Hist. 1.72). His absence from Tacitus' account of the debates in early 70 makes it unlikely that he survived into the Flavian regime.

33 Demetrius

Schol ad Juv. 1.33.

A notorious *delator* under Nero known only from Juvenal's scholiast, it is almost impossible to connect him to anyone by that name under Nero. Stein (PIR² D

39) rightly rejects identification with the Cynic philosopher who was the friend of Thræsea Paetus expelled from Italy in 66 for friendship with him (Philostr. VA 4.42), and who kept company with the likes of Apollonius of Tyana (VA 5.19) – although he did defend P. Egnatius Celer in 70 (Tac. *Hist.* 4.40.3). Nero had an official named Demetrius whom the people of Seplasia accused before the consuls because he had artificially inflated the price of goods (Plin. *Nat.* 33.164; see *PIR*² D 38). It could be that this is the same Demetrius mentioned in Juvenal's scholiast (1.33) as "denouncing many to Nero" (*multos Neroni detulit*). Both the Demetrius named in Pliny and the one in the scholiast were certainly unsavory sorts, but given how common the name was, to identify both men as the same individual would be highly conjectural.

34 Diphilus

Juv. 3.119–22; *schol. ad Juv.* 3.120–2.

Like Demetrius, not even earning a place in *RE* or *PIR*, Diphilus is virtually a mere name, appearing only in Juv. 3.119–22, where Umbricius rails against *delatores*, naming Protogenes, Diphilus, and Hermarchus, and where the scholiast succinctly states, "They are names of Greek *delatores*" (*Nomina sunt Graecorum delatorum*). Although caution is always warranted in dealing with the scholiast to Juvenal, the conjecture is plausible, since the protagonist of the satire, Umbricius, picks out for particular attack in the previous line the *Stoicus delator* responsible for Barea Soranus' death (P. Egnatius Celer, whom he does not name). That could – but does not necessarily – argue for a Neronian date for Diphilus. What specific cases of *delatio* he was involved in defies even conjecture.

35 Cn. Domitius Afer

Quint. *Inst.* 6.3.27; 8.5.16; 9.2.20; 9.3.66; 9.4.31 (*pro Cloatilla*); 6.3.81; 8.5.3 (*summus orator*); 9.4.31; 10.1.118; 12.11.3 (*pro Laelia*); 10.1.24 (*pro Voluseno*); 5.7.7; 6.3.42, 29, 54, 68, 84–5, 92–4; 9.3.79; 10.1.86; 11.3.126; 12.10.11; 12.11.3; Front. *Aq.* 102; Plin. *Ep.* 2.14.10; 8.18.5; Tac. *Dial.* 13.3; 15.3; *Ann.* 4.52; 4.66; 14.19; Dio 59.19.1–7; 59.20.1–3; 60.33.8; Hieronym. *Ep.* 52.7.3.

Bauman 1967: 234–5; 1974: 135; 1992: 147–9; Gallivan 1979: 66, 69; Humphrey and Swan 1983: 324–7; Kennedy 1969: 17–18; Köstermann 1965: 164–6, 195; Levick 1976a: 99, 165, 190; 1990: 111; McDermott 1980: 19–23; Marsh 1931: 179; Marshall 1990: 344; 1993: 17–27; Martin 1981: 172–3; Nicols 1978: 173; Rogers 1979: 12–13, 17; Rogers 1935: 92–3; 1945: 264–70; Seager 1972: 200–1; Sherwin-White 1966: 470–1; Stewart 1953: 70–85; Syme 1958: 327–8, 338, 362, 448–9, 455–6, 478, 595 n. 3, 605, 608, 794; 1986: 327–8;

Talbert 1984: 264 n. 15; Weinrib 1967: 253; Woodman and Martin 1989: 216, 241.

PIR² D 126; RE 5¹.1318–20 = Domitius 14 (Kappelmacher; Wissowa); AE 73.138; CIL 6.9330; 6.38290; 10.8048, 5–12, 14, 16–18; 11.3245; 15.979–83; ILS 990; ORF 563–70.

Domitius Afer was praetor when he undertook the prosecution, in 26, of Claudia Pulchra (PIR² C 1116), the second cousin of Agrippina the Elder, and her lover, Furnius (PIR² F 589); hence, we can conjecture a date of birth between 10 and 5 BC (for the case see above, pp. 143–4). Dio records a near confrontation between Afer and Agrippina after his prosecution of Pulchra (59.19.2), in which Agrippina yelled to Afer, who, out of embarrassment, was trying to avoid her, “Fear not, Domitius; for you are not to blame as far as I am concerned, but Agamemnon.” Pulchra’s prosecution revealed Afer’s talent for oratory (*divulgato ingenio*); he was much admired by his contemporaries thereafter, including Tiberius, and was held subsequently among the foremost orators (*primoribus oratorum additus*). Tacitus remarks that this case helped him to become one of the most prominent figures at the bar, although he was more fortunate in his eloquence than he was in his reputation. He is heard of again in the following year when he (along with Cornelius Dolabella, *q.v.*) indicts Quintilius Varus, son of the P. Quintilius Varus who met disaster in Germany in 9. Tacitus says that he had made money from his accusation against Pulchra, but had used his reward poorly (*Ann.* 4.66.1) and now was no doubt hoping to make up some of his losses. (Although some of his wealth also appears to have been made, in part, from the suburban brick-kilns [CIL 15.979–83].) Afer’s motives for the indictment may have been strictly partisan, since Varus was Pulchra’s son (see above, pp. 143–4 for the case). Under Gaius, Afer was tried in the senate, with the emperor himself laying the charge; Dio says that Gaius already hated Afer for his prosecution of Claudia Pulchra, and that he was angered by Afer’s setting up a statue to him with an inscription which stated that Gaius, in his twenty-seventh year, was already consul for a second time. The inscription annoyed Gaius, who read into it a reproach for illegally entering upon the consulship before he was of age. The princeps delivered a lengthy oration against Afer, who pretended to be deeply impressed, delivering a point by point critique on the spot, and, praising the emperor’s arguments, concluded by throwing himself at Gaius’ feet, which impressed the emperor, who now thought that his speech had been a genuine success. He spared Afer, and in 39 honored him with a consulship; Gaius’ freedman, Callistus, may have had a hand in Afer’s advancement, since Afer supposedly curried his favor. The date and his colleague for his consulship have long been uncertain, though Humphrey and Swan have most recently argued (1983: 325–6 citing Dio 59.20.3; Suet. *Cal.* 26.3; AE 73.138) that his colleague will have been A. Didius Gallus, and that he will have been in office from approximately 4 September to

31 December 39. He is not heard of again in Tacitus until his obituary under the year 59 (*Ann.* 14.19), which is paired with Servilius', a noted historian. Tacitus calls him a distinguished man (*vir inlustris*) who had attained the highest honors and flourished with much eloquence – although Tacitus notes that “as they [i.e. Servilius and Afer] were equals in talent, so they were of contrasting morality” (*ut par ingenio, ita morum diversus*). He appears to have been rather senile, and never gave up practicing at the bar, even after his powers had failed him (*Tac. Ann.* 4.52.8). It may be significant that he is not apparently classed with Epirus Marcellus and Vibius Crispus in Tacitus' *Dialogus* (13.3); indeed, there he is cited as one of the prime examples of orators, both for his *dignitas* and for his *fama* (“repute,” an admittedly neutral term). According to Quintilian he also wrote rhetorical treatises, composing two books on how to treat the evidence of witnesses (*Inst.* 5.7.3–7); Quintilian also knew Afer as a famous wit. He is remarked for his gentleness in this area (6.3.27), and is perhaps second only to Cicero in Quintilian's discussion concerning humor (6.3). He published an unknown number of books on the subject (*Inst.* 6.3.42), from which Quintilian no doubt drew several examples (6.3.54, 68, 81, 84–5, 92–4); his speeches in the cases Quintilian cites were certainly still in circulation. That he did not always undertake accusations against the side of the senate is attested by the jibe from an imperial freedman who noted that he was in the habit of prosecuting Caesar's *liberti* (*Quint. Inst.* 6.3.81). One of his more famous speeches was his defense of Cloatilla (*PIR*² C 1149), wife of one of the rebels involved in Camillus Scribonianus' revolt against Claudius in 42 (see above, pp. 164–5); he may have spoken in defense against Cloatilla's children in this instance, and her kinsmen as well, who possibly accused her (*Quint. Inst.* 8.5.16; 9.2.20). The speech was certainly still in circulation in Quintilian's day, for he can cite *verbatim* quotations and assumes his audience's familiarity with the oration (9.3.66). Quintilian can also cite examples from the defense of Laelia, a case about which we have no information (9.4.31). We also know that at some point in his career Afer defended Volusenus (along with Decimus Laelius, probably the noted *delator*, *q.v.*; cf. *Quint. Inst.* 10.1.23; for Volusenus see *PIR*¹ V 647), but again, nothing is known concerning the case. As a distinguished speaker, Afer almost certainly had young charges, Quintilian among them, who followed him to learn something about the tools of the trade in oratory (*Inst.* 10.1.86). In his discussion of Roman orators, Quintilian places Afer among the most distinguished (*longe praestantissimi*, 10.1.118), superior in every department of oratory, to be ranked among the old orators unequivocally: his rhetoric was marked by maturity (*maturitas*, 12.10.11), and he was, says Quintilian, the highest (*summus*) orator, and (Quintilian qualifies) he had only seen him when he was advanced in years and lost something of his *auctoritas*; he had at one time been the leader of the Forum (*princeps fori*, 12.11.3), although Quintilian reiterates in muted tones the harsh verdict of Tacitus, that Afer should have quit before his powers failed him. Pliny relates a story concerning Afer (*Ep.* 2.14.10) which he heard from Quintilian: Afer was one day pleading

in the centumviral court when, perturbed at the applause given to a certain Licinus, whom Afer deemed a poor speaker, abruptly abandoned his case, considering Licinus' presence in court an indication of the depths to which his profession had sunk. It is worth noting that while Pliny cites Afer as an authority on oratory, he is never criticized as a *delator* (something we might expect in Pliny). As for his family, he adopted the Curvii brothers (Plin. *Ep.* 8.8, 18), although he had attacked the elder Curvius (probably in the early years of Claudius), their father, and had confiscated his estate in an unseemly court case (Sherwin-White 1966: 470–1 conjectures a date of 41 or 42 for their adoption; their names were Titius Marcellus [*PIR*² D 152] and Curvius Tullus [*PIR*² D 167]; Vespasian had adlected them to the senate [Nichols 1978: 173]). For the descendants of Afer's sons see Syme 1958: 605, 608. Jerome relates that his death took place surrounded by *luxus* (*Chron.* 179 H).

36 L. Domitius Paris[?]

Tac. *Ann.* 13.19.4; 13.20.1; 13.21.5; 13.22.3; 13.27.7; Suet. *Nero* 54; Dio 63.18.1; *Dig.* 12.4.3.5.

Duff 1928: 87–8, 149, 178; Furneaux 1907: 177, 188; Köstermann 1967: 271–2; Rudich 1993: 263–4, 307.

*PIR*² D 156; *RE* 5¹.1432 = Domitius 69 (Stein); *CIL* 14.2866.

The *PIR* article conjectures Paris' full name based on *CIL* 14.2866; he was involved in the same accusation against Agrippina the Younger in 55 as Calvisius, Iturius, and Atimetus (*q.v.* for further details of this case; also see above, pp. 151–2). In the following year, 56, Paris was appropriated from Domitia, and, through a shady deal, was declared freeborn (Tac. *Ann.* 13.27.7). The *Digest* preserves the details: Paris purchased his freedom but then sought to recover the sum paid for it in court on the grounds that he was free when purchased; the court decided in his favor without inquiring whether Domitia had knowingly purchased one who was free born. Nero had him executed in 67, according to Suetonius because Nero saw him as a rival actor, but Dio says it was because he refused to instruct Nero in his craft.

37 P. Egnatius Celer

Tac. *Hist.* 4.10; 4.40.3; *Ann.* 16.32.2–3; Arr. *Epict. Diss.* 4.1.138(?); Juv. 3.116–18; Dio 62.26.1–2; *schol. ad Juv.* 1.33 (Valla); 6.552.

Chilver 1985: 31; Courtney 1980: 171–3; Evans 1979: 198–200; Heubner 1976: 31; Köstermann 1968: 402–4; Lutz 1947: 10, 16; Mellor 1993: 50–1; Rogers 1949: 347–8; Rudich 1993: 139, 159–60, 181–2; Syme 1958: 467 n. 4, 554.

PIR² E 19; RE 5².1996 = Egnatius 16 (Arnim).

P. Egnatius Celer's full name is only known from Dio 62.26.1–2, which also relates Egnatius' accusation against Barea Soranus (PIR² B 55) in 66 for collusion with Rubellius Plautus; according to Dio, Egnatius bore false witness, receiving money and honors (*timas*) in return (see above, p. 120). Dio (62.26.1–2) says Egnatius was later banished, though whether this refers to the punishment he received in 70 or a separate incident under Nero is uncertain. Nor is his role in the accusation against Soranus in 66 entirely clear; Tacitus indicates that Egnatius was not one of the accusers *per se*, but rather one of the witnesses against Soranus, and that what made this most reprehensible was that Egnatius had been Soranus' client and teacher and had been bought to crush his friend (Ann. 16.32.3). Worst of all, Juvenal's scholiast (6.552) asserts that Egnatius had urged Servilia, Soranus' daughter, to consult magicians and subsequently informed on her for this very activity (which served to condemn her). Tacitus says Egnatius put on a mask of authority and integrity by pretending to be an adherent of the Stoic school, in fact hiding a spirit that was treacherous, filled with avarice and cupidity. Upon Vespasian's rise to power, in January 70 (for the more precise date of this meeting see Rogers 1949: 347–8), Musonius Rufus prosecuted him for bearing false witness against Soranus (Tac. Hist. 4.10; Chilver 1985: 31 and Rogers' note under the *lex Cornelia de falsis*, citing Dig. 48.10.1.1; it could not be for *calumnia*, since Soranus was condemned; for discussion of the *lex* see Crook 1987: 163–71). There was an initial application for his prosecution by Musonius, which was set for the next senate meeting (Tac. Hist. 4.10; for Musonius' prosecution see Lutz 1947: 10, 16). Egnatius' spirit and speech failed him during his trial (Tac. Hist. 4.40.3), although Demetrius the Cynic was his defender. Both Evans and Rogers argue that Egnatius suffered exile and the confiscation of his property (see esp. Evans 1979: 199 citing Dig. 48.10.1.13, which states that the punishment for fraud is deportation and confiscation). The possibility must remain open, however, that Egnatius was executed, for Tacitus states upon his condemnation that "satisfaction was made to Soranus' ghost" (*Sorani manibus satis factum*), and remarks, in addition, that the day was "noteworthy for stern measures taken in public" (*insignis publica severitate dies*, Tac. Hist. 4.40; cf. Arnim's RE article). Evans notes that neither Domitian nor Mucianus intervened to stop the prosecution of Egnatius, and that it was the only substantive prosecution to come out of the contentious recriminations which took place in the senate in 70. The reason for this, according to Evans 1979: 200, is that Soranus, Egnatius' victim, was an *adfinis* of Vespasian's. Egnatius is thought by some (including the scholiast) to be the *delator* referred to in Juv. 1.33 ("a *delator* of a great friend," *magni delator amici*), although this is far from certain; the scholiast himself admits of two other identifications (including Heliodorus and Demetrius, *q.v.*). He is, however, clearly alluded to in Juv. 1.116–18, where his origin (from Tarsus) is mentioned, an origin at odds with the one of Berytus given by Dio. In

Juvenal he is called a *Stoicus delator* and responsibility for Soranus' death is laid squarely at his door. Rudich (1993: 159) notes that Tacitus' characterization of Egnatius is "the moral opposite of the dissidents – not virtue disguised as opportunism, but the reverse, opportunism disguised as virtue." Rudich sees Egnatius as an indication of "the growing erosion of the client–patron relationship, an ominous characteristic of the times and perils." He is, in Rudich's view, the direct antithesis of Cassius Asclepiodotus, who was driven into exile for his loyalty to Soranus. Egnatius clearly never stood very high in power, for he was among the base (*viles*) whose fall served as a warning sign. Tacitus' portrait of Egnatius is surpassed perhaps only by Tiberius in his treachery and his ability to dissimulate (*Ann.* 16.32.3).

38 T. Clodius Eprius Marcellus

Tac. Dial. 5.7; 8; *Hist.* 2.53.1–2; 2.95.3; 4.6–8; 4.42.5; 4.43; *Ann.* 12.4.5; 13.33.4; 16.22.10; 16.28–29.1; *Dio* 65.16.3; *Sid. Apoll. Ep.* 5.7.3.

Bradley 1978: 171–81; Carratelli and Arangio-Ruiz 1954: 69; Chilver 1979: 215–16; 1985: 28–9, 55; Crook 1951: 162–75; 1955: 47; Duncan-Jones 1974: 343; Eck 1970: 83, 115; 1982: 288–91; Gallivan 1974: 292; Heubner 1968: 208; Jones 1979: 7, 9, 14, 17; 1984a: 87–8, 91–3, 108–9; Köstermann 1967: 114–15, 299; 1968: 384, 393–7; McCrum and Woodhead 1961: 5, 78; McElderry 1913: 116–26; Magie 1950: 2.1427; Malitz 1985: 242; Martin 1981: 33, 60, 62, 94, 186, 196; Mellor 1993: 99; Mitford 1954; Rudich 1993: 173–6, 180–6, 305–6; Syme 1958: 100–1, 116, 333, 547, 594; 1991b: 524–8, 530–1, 533–4, 569, 573–4, 587; Talbert 1984: 51, 265, 272, 279, 347, 351, 409, 505, 508; Walker 1960: 240.

*PIR*² E 84; *RE* 6¹.261–4 = Eprius (Kappelmacher); *AE* 56.186; 68.6; *Ath. Mitt.* 19.306; *CIG* 4328b; *CIL* 10.3853 (cf. *CIL* 10.4126 for Eprius' family in Capua); 14.2612; 16.20(?); *IGRR* 3.553; 4.524 = *OGIS* 2.476; *ILS* 992; *SEG* 62.587.

Eprius Marcellus was from a family of humble circumstances from Capua (*Tac. Dial.* 8.1–3). His date of birth must have been around AD 18, since he entered the praetorship in 48 for a single day to replace L. Silanus, who had been accused by Agrippina the Younger with a view to breaking off Silanus' betrothal to Claudius' daughter (*Tac. Ann.* 12.4.5); his birth was certainly no later than 22 since he held the consulship in 62. Much is known of Marcellus' early career due to an inscription from Paphos which lists the offices he held, which included quaestor, tribune of the plebs, praetor, legionary legate of XIV Gemina, legate of Lycia, and proconsul of Cyprus (in that order). The inscription has been closely analyzed by Bradley (1978: 172–4), who notes that there are difficulties with the sequence of offices in the inscription: for example, it is known from *Tac. Ann.* 12.4.5 that Eprius Marcellus held the praetorship in 48 (which means that the legionary post [which he held under Gaius] mentioned in the inscription appears out of chronological order). Scholars have argued

that not only are the offices out of chronological sequence, but there is not even a division between urban and provincial offices. Hence (so Bradley 1978: 173) the quaestorship was not an office he necessarily held in Rome, but may instead refer to an office held as a young man serving in the army. It is almost certain that he is the young man referred to in *CIL* 14.2612 whom the emperor Claudius adlected into the senate (which refers to a man who had held the proconsulship of Asia for three years, a description fitting no one else at this time); the adlection probably took place during Claudius' censorship in 47. The nature of Marcellus' adlection is subject to some dispute. Mitford argues that he was adlected at praetorian rank (*inter praetorios*), but Bradley argues that, inasmuch as he held the praetorship at the end of 48, this is unlikely, and opts instead for his adlection *inter tribunicios* (1978: 174 citing *CIL* 6.1442; Dio 60.11.8). Bradley (1978: 176) also argues that Claudius' adlection of Marcellus was related to Claudius' interest in the law and Marcellus' early activities as an orator, entering the senate as a *novus homo*, and advancing quickly to the praetorship. This is perfectly plausible, given what Tacitus tells us of his career in the *Dialogus* – that he was a *novus homo* who rose through the ranks as an orator. After his praetorship, nearly ten years elapse before he shows up as a defendant in a case *de repetundis* in 57; he had been *legatus* of Lycia-Pamphylia (sometime between 48 and 56), and the provincials accused him of extortion (*Tac. Ann.* 13.33.4). His tenure as legate is attested by an inscription (*CIG* 4328b): the city of Tlos dedicated a statue to him and the dedication refers to his governorship. The Lycians lost their case and Epirius' accusers were exiled, "on the grounds that they had endangered an innocent man" (*tamquam insonti periculum fecissent*, *Tac. Ann.* 13.33.4). An inscription from Paphos reveals that he was proconsul of Cyprus sometime between 57 and 62 (see Mitford 1954: *passim*), where he controlled a legion and had quaestorian rank. Bradley argues that he held three praetorian positions prior to 62, including the office of praetor *peregrinus* (1978: 174–5 citing *ILS* 957). He is next heard of in 62, entering the office of consul *suffectus* on 4 December with Q. Junius Marullus as his colleague (see Gallivan 1974: 292). He appears again in 66, when he and Cossutianus were involved together in Thrasea Paetus' prosecution for *maiestas*, a prosecution which he might have been asked to undertake by Nero and in which he possibly played the role of *subscriptor* (*Nero adicitque Marcellum Epirium acri eloquentia*, *Tac. Ann.* 16.22.10). Tacitus depicts Marcellus as a particularly vicious party to that accusation (*Ann.* 16.28.1): he accused Thrasea of taking advantage of the good nature of the princeps, berated the senate for its leniency towards Thrasea, and warned the senate that Thrasea's followers could prove as disruptive and divisive as Thrasea himself had been (*Ann.* 16.28.2–6; see above, pp. 115–19 for the case). Tacitus portrays Epirius' speech as particularly violent (*Ann.* 16.29.1), though we may doubt that this was out of character for accusation in general (see Rutledge 1999: 555–73; Rudich 1993: 173–5 is more inclined to accept this speech as a relatively close depiction of Epirius' denunciation, a view of which we should be highly skeptical). Epirius and

Cossutianus won their case, and Thrasea committed suicide; he received 5,000,000 sesterces for his services against Thrasea. What role he had in the fall of those who were accused and exiled at the same time as Thrasea – including Helvidius Priscus, Paconius Agrippinus and Curtius Montanus – is not known (Tac. Ann. 16.28.2); Helvidius could have been as much concerned in 70 to redress personal as well as familial slights in his attack against Eprius in that year. Bradley (1978: 176) notes that Helvidius' remarks against Eprius in Tac. Hist. 4.7 ("because he supposedly impelled Nero to the destruction of so many innocent men," *quod Neronem in exitium tot innocentium impulerit*) surely indicate that Eprius claimed more victims under Nero than we know. Helvidius (Tac. Hist. 4.7.2) mentions a Sentius for whose fall Eprius appears also to have been responsible; Rudich (1993: 305–6) tentatively identifies him as Cn. Sentius Saturninus, consul in 41 (citing Jos. AJ 19.166). If that is the case, then Sentius will have been particularly vulnerable for his actions after Gaius' assassination. As one of the consuls in 41, he presided over the discussions concerning the restoration of the Republic; Josephus preserves a relatively lengthy speech by Sentius, which included not only numerous appeals to *libertas* and the restoration of the free state, but ample assaults against the *principes* from Julius Caesar to Gaius, culminating in a proposal to decree honors to Cassius Chaerea, Gaius' assassin (Jos. AJ 19.167–85; cf. Dio 59.30.3; for Sentius' opposition see Ehrhardt 1978: 65; see esp. Timpe 1960: 481–93 for discussion of Sentius' speech in Josephus). Such sentiments will have rendered him suspect, and provided Eprius at the very least with an opening into other charges (although Claudius had seen fit to leave him well enough alone). Marcellus is also certainly to be numbered among those who will have made up Nero's inner circle (Crook 1955: 47 citing Tac. Hist. 4.7–8). In the civil strife from 68–70 several unsuccessful attempts were made to check his power (see above, pp. 122–6). As Jones has noted (1984a: 87–8), it is possible that Eprius owed his survival, in part, to Mucianus, who himself could have been trying to gain some political capital by moving to protect the likes of Eprius (*inter alios*) in 70. He went on under Vespasian to hold several major offices, surely as a reward for the loyalty shown towards Vespasian in a year of dangerous and unpredictable turmoil. Very soon after the advent of Vespasian he appears to have commenced an unusually long term as the proconsul of Asia (CIL 10.3853), lasting three years in that post. He is honored as proconsul (*anthupatos*) on coins from Cymae, Sardis, Laodicea, and Synae (see the PIR entry for references). The most likely dates for his proconsulship are 71–4 (see McElderry 1913: 116; Magie 1950: 2.1427; Eck 1970: 83). It is not known why Eprius, who is one of the few, as Bradley points out, among Vespasian's appointments who is not a *vir militaris*, received so great an honor. Bradley (1978: 177) rules out his opposition to Helvidius, since Helvidius did not appear as hostile to Vespasian until early 70; more likely, he was already favored by Vespasian. Such early favoritism is possible if we accept Bradley's suggestion (1978: 178) that Marcellus was a legate of the *legio IV Scythica* between 48 and 54, hence during the Moesian

governorship of T. Flavius Sabinus (Vespasian's brother), when a link between the two men may have been formed. But we need not rule out that Vespasian will have been well aware that Helvidius will have been prepared to oppose him, given his family's history of opposition to the *principes*, and been all too happy to reward Eprius' early allegiance to him. His second consulship was held in May 74 (see McCrum and Woodhead 1961: 5). An inscription which attests to his final consulship shows that he also held the offices of augur, of *curio maximus*, and that he was a *sodalis Augustalis* (McCrumb and Woodhead 1961: 78). As consul in 74 he may well have had a hand in Helvidius Priscus' fall (see above, pp. 126–8); moreover, as McElderry points out (1913: 116–26), Eprius' appointment to a proconsulship of extraordinary tenure in Asia could only have exacerbated Vespasian's opponents (as well as Marcellus' enemies), and political passions may have come to a head in 74, following Eprius Marcellus' return – possibly in an attempt to prosecute Marcellus for some charge during his proconsulship. Few men who governed provinces even for a short duration in the East escaped without facing prosecution. He is not heard from again until his mysterious demise in 79 (see above, p. 173). Aper notes Eprius Marcellus' fame throughout the world as an orator (Tac. *Dial.* 8), as well as his power of eloquence (which enabled him to rise to the top), although consistently throughout Tacitus his style is one which is depicted as “savage and threatening” (*torvus et minax*). He was known for his low birth and his successful career, which made him a paradigm of what oratory could achieve (*Dial.* 8.3), although the picture is qualified by the faint praise accorded to his moral character (cf. Tac. *Hist.* 2.95.3). Aper (Tac. *Dial.* 8.2) reckons his wealth at 200,000,000 sesterces, though not all of it was made through *delatio* (see Bradley 1978: 177, who remarks that Marcellus possibly acquired some of his wealth through unsavory practices in Lycia). Marcellus' wealth ranked eleventh among the private fortunes of the Empire (Duncan-Jones 1974: 343). In the middle of Vespasian's reign he is noted, along with Vibius Crispus, as one of the foremost men of the Forum (*principes fori*) who for many years already had been among the most powerful men of the state, enjoyed imperial friendship (as a member of Vespasian's inner circle), and been an important imperial official.

39 Eucaerus[?]

Tac. *Ann.* 14.60.3; 14.61.5.

Bauman 1992: 205–8; Köstermann 1968: 145–6, 150; Rudich 1993: 71.

PIR² E 107.

Of Eucaerus little is known; a flute player from Alexandria, he was suborned to accuse Octavia, Nero's wife, of adultery in 62 (Tac. *Ann.* 14.60.3; see above, pp. 152–3). If we accept Tacitus' version of events, Eucaerus was an accuser/informant who played a role somewhat akin to Vettius' under the Republic (see

below, p. 313); that is, he is a tool in the factional strife that could sometimes divide the emperor's family, set up to level a false accusation against a member of the imperial house. As such, we should see no more than a vindictive Poppaea at work.

40 Fabius Romanus

Tac. Ann. 16.17.4.

Köstermann 1968: 368–9; Rudich 1993: 298.

PIR² F 60; RE 6².1865 = Fabius 139 (Stein).

Fabius Romanus accused Annaeus Mela, Lucan's father, in the midst of a series of prosecutions and forced suicides (including Petronius') after the Pisonian conspiracy in 66. After Lucan's death, Mela called in those debts outstanding to his dead son, and appears to have been rather zealous in his pursuit (*rem familiarem eius acriter requirit*), which provoked the ire of Fabius Romanus, one of Lucan's friends, who came forward to accuse him of complicity in Piso's plot. Tacitus says Romanus used evidence that was forged. Nero was willing to overlook the flimsy nature of Fabius' testimony, however, since, according to Tacitus, Mela's death would prove profitable to him. Fabius' prosecution ended in suicide for Mela, though the bulk of his goods went to Tigellinus and Cossutianus Capito, something that preserved the rest of his estate; there is no mention of any reward for Fabius Romanus, who is not heard from again. It is tempting to identify him as the Romanus (*q.v.*) who launched a failed denunciation of Seneca and allegedly set in motion the Pisonian conspiracy, however the manner of Tacitus' introduction of Fabius Romanus in this passage makes it unlikely that he appeared previously in Tacitus' work. Nothing more concerning Fabius' family or career can be retrieved.

41 A. Didius Gallus Fabricius Veiento[?]

Plin. Ep. 4.22.4; 9.13.13, 19–20; Tac. Ann. 14.50; Juv. 3.184–5; 4.113, 123–9; 6.82–114; Dio 61.6.2; Aur. Vict. Epit. 12.5; schol. ad Juv. 4.94 (Valla).

Bauman 1974: 32–3; Crook 1955: 164; Eck 1970: 58–62; Goetz 1978: 18–32; Griffin 1984: 114; Griffith 1969: 141; Jones 1971: 476–8; 1979: 104; 1984a: 24, 123, 125, 135; 1992: 53–4; Köstermann 1968: 120–1; McCrum and Woodhead 1961: 58; McDermott 1970: 124–48; McDermott and Orentzel 1979: 11–26; Rudich 1993: 58–60, 278; Sherwin-White 1966: 300, 495–7; Syme 1958: 4–5, 17, 633; 1980: 73, 83 n. 23; 1991b: 532–3, 547, 556, 578–9, 601; Talbert 1984: 54 (cf. 466), 248.

PIR² F 91; RE 6².1938–42 = Fabricius 15 (Groag); AE 48.56 = CIL 16.158; 52.168; 79.399; CIL 13.7253 = ILS 1010.

His full name is given in CIL 13.7253, and he appears to have been the adopted son of A. Didius Gallus, consul before 37 and legate of Britain from 52 to 58 (see PIR² D 70). Syme (1980: 73) conjectures a praenomen of Lucius, and a connection with A. Caesennius Gallus. McDermott and Orentzel (1979: 11) note that the cognomen Veiento suggests an Etruscan origin conceivably supported by his interest in religious rites. He was possibly quaestor under Claudius (McDermott 1970: 143 citing AE 52.168; cf. McDermott and Orentzel 1979: 15 for discussion). His first securely dated office is that of his praetorship in 54, when he introduced dog racing after the factions of the charioteers grew too powerful and insolent in their demands concerning the conduct of games. Hence, a date of birth in the mid-20s can be surmised if he followed the normal career path at a regular pace. His first appearance in Tacitus occurs during an incident in 62, where Tacitus presents him as an accomplished, if scurrilous writer of verse, who stood accused of libel – not against the emperor, but against senators and priests (*in patres et sacerdotes*). He also enjoyed access to the emperor – and appears to have controlled it as well, since in addition to being accused of libel he was also accused of buying and selling offices distributed at the favor of the princeps (*venditata ab eo munera principis et adipiscendorum honorum ius*). McDermott and Orentzel conjecture (1979: 14) that, if Fabricius had already been one of the college of fifteen, the *codicilli* in which he was accused of having written scurrilous material may have divulged (and consequently violated) sacerdotal matters by making them public, hence Nero's presence (he had moved to take over the case himself) in a trial of relatively little importance (see above, pp. 114–15). Veiento was convicted and expelled from Italy, and his books ordered burned. Tacitus says this made them the more popular and sought after, until they could again be read with impunity, when they fell into oblivion. (On the case of Veiento see Bauman 1974: 32–3; Talbert 1984: 54 [for the charge of *adipiscendorum honorum ius*]; Bauman suggests that the reference in Tacitus to *codicilli* means that he took advantage of the veto concerning freedom of expression in wills to write scurrilous material.) He returned sometime after Nero's demise, and must have held his first suffect consulship under Vespasian, since he held a second under Titus from the middle of January 80 with L. Aelius Lamia Plautius Aelianus as his colleague (for Lamia see PIR² A 205; AE 48.56; CIL 16.158; Jones 1984a: 125). He maintained his powerful position within the state, and is found (in 82/3) as a member of Domitian's inner circle, helping to plan his campaign against the Chatti (*schol. ad Juv.* 4.94 [Valla] citing a fragment of Statius' *de Bello Germanico*). He might have held his third consulship around this time as well (CIL 13.7253). In addition, he was *quindecimviri sacris faciundis* in 88 (Tacitus was his colleague), as well as *sodalis Augustalis* and *sodalis Titius*, although when is uncertain; McDermott (1970: 137) conjectures that his induction into the *sodalitas*

Flavialis should be dated to around 80 (citing *CIL* 13.7253; McDermott and Orentzel [1979: 17] note that he probably was *quindecimviri sacris faciundis* before 62; the remaining three priesthoods cannot be securely dated). McDermott further conjectures that *CIL* 13.7253 (= *ILS* 1010), a dedication to the Gallic goddess Nematona, is to be identified with Bellona, and would be in keeping with Veiento's interest in religion, in light of the numerous priestly offices he held (McDermott 1970: 139–40; cf. Jones 1992: 53, who notes that four is an exceptionally large number of priesthoods). McDermott is certainly right to note that Veiento was a man with great interest in religion; in addition to the priestly offices he held, his role in Juvenal's depiction of the imperial council concerning the turbot is to interpret the religious significance of the portent. McDermott and Orentzel (1979: 22) conjecture that by the time of the secular games in 88 Veiento will have been the senior member of the college of the *decemviri* and will have played a supervisory role with Domitian for their preparation. McDermott also identifies him as the name to be restored on a dedication to the *numen Augusti* in a sanctuary at Arles (*AE* 52.168), which he conjectures to have been set up between 88 and 96 (1970: 143). If he is correct, then the inscription also identifies him as one who, at some point – presumably under the Flavians – was proconsul of Africa, legate of Syria with *propraetorian* power, and legate in one additional (but unidentifiable) province with legionary command (contra see Jones 1992: 53). He is not heard of again until the reign of Nerva, when he protected Publicius Certus (*q.v.*) in the senate (*Plin. Ep.* 9.13.13), when he spoke on his behalf as a senior member (Talbert 1984: 248). He clashed violently with Pliny in the course of his defense of Certus, and when he tried to reply to Pliny's attack he was shouted down and forced to appeal to the tribune, but was humiliated when the senate dispersed as a body while he was still trying to speak. Veiento, to judge from Juvenal's portrait (something of which we should always be suspicious), was also an arrogant man to whom others were obliged to pay court (3.184–5). Given that he had been charged under Nero with selling offices, however, Juvenal's portrayal may not have been too far off the mark. In the satirical depiction of Domitian's council he is called “wise” (*prudens*), entering with Valerius Catullus Messalinus (*q.v.*); he reads the turbot as an omen of future victory for Domitian. His wife is satirized by Juvenal at length for accompanying a gladiator to Egypt (6.82–114). Was Veiento a *delator*? Admittedly, Juvenal's scholiast (4.113) was himself uncertain. McDermott's lengthy discussion notes the various scholars who are quick to identify him as a *delator* (see esp. 1970: 132–3). There is room, argues McDermott, for doubt, and he cites Veiento's absence from the list of Domitianic *delatores* given in the *Agricola* to prove his point. That is no cause for Veiento's acquittal: the *Agricola* was written under Nerva, and Veiento was in his good graces, still Nerva's dinner companion and wielding some political clout (*Plin. Ep.* 4.22.4; 9.13.13). Hence, it is not surprising that he has no place alongside Baebius Massa, Catullus Messalinus, and Mettius Carus, while he later is found in such company in Juvenal (who wrote well after the demise of all

concerned). The last reference to Veiento is in the *de Caesaribus*, where he is said “to have prosecuted many through secret charges” (*multos occultis criminationibus persecutum*). McDermott (1970: 147) calls this “an obviously mistaken reference from Pliny’s juxtaposition of the names of Veiento and Catullus Messalinus” since the remark is made in a summation of Pliny’s *Ep.* 4.22. But the author, writing in the late fourth or early fifth century, will have had access to numerous other sources, including all of Tacitus’ works with information concerning Veiento’s activities. We should be more willing to accept the claim, and not discard him lightly (and cf. Griffith 1969: 141). On his wife Attia, see Syme (1991b: 534). He may have been dead by 100 (Syme 1958: 17).

42 Firmius Catus

Tac. *Ann.* 2.27–32; 4.31.7–8; cf. Dio 57.15.4.

Bauman 1974: 60–4; Goodyear 1981: 262–86, esp. 265 for Firmius; Köstermann 1963: 298–309; Levick 1976a: 149–52, 197; Marsh 1931: 58–60; Rogers 1935: 12–19, 84–5; Seager 1972: 89–92; Shotter 1972: 88–98; Woodman and Martin 1989: 168.

*PIR*² F 158; *RE* 6².2380 = Firmius 2 (Goldfinger).

Firmius Catus was of senatorial status, and is only known from his involvement in the case of M. Scribonius Libo Drusus (*PIR*¹ S 214; *RE* 2.2¹.885–7 = Scribonius 23 [Fluss]) in 16, which took place in the senate before the emperor on the charge of magic practices (which came under the *quaestio de sicariis et veneficis*), though it may have been tried as *maiestas* (see above, pp. 158–61). Little is known of Firmius outside this episode. He was eventually (in 24) expelled from the senate when he was convicted of *calumnia* after he tried to convict his own sister of *maiestas* on a false charge. The senate wanted banishment, but Tiberius was content with expulsion. Tacitus implies that Tiberius was grateful for his assistance in convicting Libo and that that led to Tiberius’ request that his sentence be alleviated.

43 Flavius Milichus [Soter](?)

Mart. 2.63(?); Tac. *Ann.* 15.54.1; 15.55.1; 15.59.1; 15.71.1–3.

Köstermann 1968: 281–2, 293, 321; Rudich 1993: 103–4.

*PIR*² M 587; *RE* 6².2607 = Flavius 136 (Stein).

Milichus was a freedman from the house of Flavius Scaevinus, one of the ringleaders of the Pisonian conspiracy in 65 (for his involvement and reward see

above, p. 32; cf. above, pp. 168–9). In wake of the plot's collapse, Milichus was voted rewards of an unspecified amount; in addition, he was given the title "The Preserver" (*Conservator*), a title which may have originally been bestowed with the Greek title "Defender" (*Soter*). Whether he is to be identified with the Milichus of Martial's epigram, who appears hard-pressed financially, is unlikely.

44 Fonteius Agrippa

Tac. Ann. 2.30.1; 2.32.1; 2.86.

Bauman 1974: 60–4; Goodyear 1981: 262–85; Köstermann 1963: 298–309, esp. 303; Levick 1976a: 149–52; Marsh 1931: 58–60; Rogers 1935: 12–19, 84–5; Seager 1972: 89–92; Shotter 1972: 88–98.

PIR² F 465; RE 6².2846 = Fonteius 15 (Kappelmacher).

Fonteius is only known from the case of M. Scribonius Libo Drusus in 16 (see above, pp. 158–9). What role he took in the accusation Tacitus does not say. He received a share of Libo's goods and the praetorship *extra ordinem*. He is heard from for the second and last time in 19 competing with Comicius Pollio to offer his daughter as a Vestal Virgin to replace one (named Occia) recently deceased. Pollio's daughter was preferred over Agrippa's since Agrippa was recently divorced. Nonetheless, Tiberius bestowed the generous sum of 1,000,000 sesterces upon Fonteius' daughter for her dowry. Whether Fonteius went further in the *cursus honorum* is unknown, although his son, C. Fonteius Agrippa, went on to become consul *suffectus* in 58 (May–June, cf. Suet. Nero 14; Köstermann 1963: 303; for the details of his life see PIR² F 466), and attained the peak of his career in 68/9, when he was proconsul of Asia, and in the next year threw in his lot with Vespasian (Tac. Hist. 3.46.3).

45 Fortunatus

Tac. Ann. 16.10.2–3; 16.12.2.

Köstermann 1968: 352; Rudich 1993: 142–3.

PIR² F 480; RE 7¹.55 = Fortunatus 3 (Stein).

Fortunatus was a freedman of L. Antistius Vetus, the consul of 55; in 65 he accused his patron of being an ally of Rubellius Plautus – who was also Vetus' son-in-law (for the case see above, p. 154–5; cf. Rudich). Nothing more is known of Fortunatus outside of this case.

46 L. Fulcinus Trio

Tac. Ann. 2.28.3–2.32.1; 3.10.1; 3.13.2; 3.19.1; 5.11; 6.4.3–4; 6.38.1–3; Dio 58.9.3; 58.25.2–4; Dig. 48.2.12 *pr.*

Bauman 1974: 60–4, 128–9; Goodyear 1981: 262–85, esp. 272; Köstermann 1963: 298–309, esp. 301; 1965: 238, 332; Levick 1976a: 117, 149–52, 156, 177, 189, 203, 215; Marsh 1931: 58–60, 195, 216, 287, 306; Rogers 1935: 12–19, 155–6; Seager 1972: 89–92, 112, 115, 117, 128, 215, 219, 225, 237, 249, 259; Shotter 1972: 88–98; Syme 1958: 267, 327, 399; Talbert 1984: 440; Woodman and Martin 1996: 128–9, 153.

PIR² F 517; RE 7¹.212–13 = Fulcinus 8 (Kappelmacher); AE 53.88; CIL 10.1233 = ILS 6124; CIL 14.4533.

Fulcinus may have been descended from an old republican family still active in politics under the Principate, although if that is the case, his family appears to have not yet attained the consulship. Fulcinus was only honored with the office of consul *suffectus*, an office generally reserved for *novi homines*; his family, therefore, was probably not of noble lineage. He possibly had a brother, C. Fulcinus Trio, attested as praetor *peregrinus* in 24 (see the PIR entry for references). Fulcinus Trio shows up first in the trial of Libo in 16 (for his involvement see above, pp. 158–61), although he was already a celebrated talent (*celebre ingenium*) among *accusatores* (Tac. Ann. 2.28.4). We next hear of Trio in 20, when he was the first to apply to the consuls to prosecute Cn. Calpurnius Piso (Germanicus' rival in Syria, PIR² C 287), much to the objection of Germanicus' friends. Trio let the charge drop (Tac. Ann. 3.13.2), but he obtained the right to attack Piso's previous career and was the first to speak in the case that was conducted before the senate and the emperor himself. Tacitus plays down Trio's efficacy, although Tacitus surely knew the value of an attack on an opponent's past life, career, and character. Fulcinus assailed Piso for his conduct as governor of Hispania, due to his greed and self-interested behavior in the conduct of his office (Ann. 3.13.2), and the subsequent *accusatores* followed his lead, making similar charges for his conduct as governor of Syria. The prosecution was trying to establish a pattern of behavior, with Fulcinus leading the charge, and as such, Fulcinus' part in the prosecution was hardly to be dismissed as raising "old and ineffectual" (*vetera et inania*) charges (Ann. 3.13.2; cf. Cicero's attempt to establish the groundwork against Verres' plundering of Sicily by first attacking his earlier career as Dolabella's legate in Cilicia, Ver. 1.63–101 [on the relevance of Fulcinus' attack, see also Woodman and Martin 1996: 153, citing *Rhet. Her.* 2.5; Cic. *Inv.* 2.32–3]). At trial's end, Trio received a promise of support for future offices (*suffragium ad honores pollicitus*), which was tempered by a warning to tone down his violent rhetoric (*monuit ne facundiam violentia praecipitaret*, Tac. Ann. 3.19.1). We next hear of Fulcinus as governor of Lusitania in 22 (AE 53.88). He then went on to

become consul *suffectus* (Dig. 48.2.12 *pr.*), entering office 1 July 31. He owed his office probably to Sejanus' patronage (Dio 58.9.3); he was Faustus Sulla's colleague until October, when Memmius Regulus entered office, and we are told that Macro, in planning Sejanus' arrest (the night of 17 October 31), was not to go to Fulcinus but to Regulus (Dio 58.9.3) – probably because Fulcinus' loyalties were suspect. We next hear from Fulcinus later in the year after Sejanus' fall, when still consul with Regulus (Tac. Ann. 5.11; see above, p. 101); Fulcinus attacked Regulus for being remiss in the investigation of Sejanus' possible accomplices, eliciting a harsh response from Regulus, who threatened to investigate Fulcinus' role in Sejanus' alleged conspiracy. The senators intervened and stopped their recriminations. Fulcinus' attack was possibly a survival tactic, an attempt to deflect attention from his association with Sejanus. In the next year (32) Decimus Haterius Agrippa attacked both Fulcinus and Regulus (Tac. Ann. 6.4.); that Fulcinus genuinely had something to fear is indicated by Regulus' desire to take up the case with the emperor. Fulcinus was of the mind that they should let the matter drop for the moment, a suggestion the senate followed (Ann. 6.4.4). It was not until 35 that Trio was to meet his end. Growing anxious as the *accusatores* continued to denounce Sejanus' former associates, he could no longer endure the anxiety and chose suicide as a way out, though not before composing savage imprecations against Macro, certain of Tiberius' freedmen, and the emperor himself (Ann. 6.38.2). Why the delay of four years between Sejanus' fall and Fulcinus' death? Perhaps the high regard in which Dio says (58.25.2) Tiberius had held Fulcinus for his services as an informer against Libo, although Marsh (1931: 216) conjectures that Trio may actually have been party to a fresh plot, impelled by Tiberius' sojourn in a country villa near Rome (citing Tac. Ann. 6.39.2). And there are, in Fulcinus' will, in addition to attacks against Macro and Tiberius, attacks against imperial freedmen (*praecipuos libertorum Caesaris*), which could imply denunciations against Trio by imperial courtiers. Dio indicates that Fulcinus was actually indicted (58.25.2) before killing himself. Contra Marsh, however, the circumstances surrounding Fulcinus' demise are much too nebulous to reconstruct any sort of a plot. His sons tried to conceal his will, but Tiberius had its acerbic contents made public (Tac. Ann. 6.38.2); we may doubt Dio's assertion that it was Fulcinus' viscerally abusive will that caused Tiberius to cancel a planned visit into the city for the marriage of Gaius in 35 (Dio 58.25.2), but harsh it no doubt was. Of his descendants nothing is known.

47 Helico[?]

Philo *Leg.* 168–78, 203, 205–6.

Barrett 1989: 84–5; Crook 1955: 40; Millar 1977: 74.

PIR² H 49.

All that is known of Helico is recorded in Philo, whose hatred for him is apparent. His status as a *delator/accusator* is admittedly clouded by his depiction in our sources. He was an Egyptian, a slave whose master made a present of him to Tiberius, under whom his power was negligible. When Gaius came to power, he came into his own, paying court to Gaius and slandering the Jews in Alexandria before him. Philo says, however, that his accusations were never direct. Helico used malicious innuendo and jest, and was consequently difficult to pin down as an enemy (*Leg.* 171); according to Philo, he frequently blended satire with denunciation (*diasurmoi de esan anakekramenoi kategoriais*, *Leg.* 176), although his main intent was accusation, stitching together a string of indictments. It was Helico, along with the tragic actor Apelles, another of Gaius' courtiers, who urged the emperor to erect a golden statue of himself in the Jewish temple in Jerusalem. Philo calls Helico a slave, an idle babbler (*spermologos*), a practiced knave (*peritrimma*), and a scorpion in the form of a slave who vented his hatred against the Jews through his denunciations of their community in Alexandria (*Leg.* 203–5). The level of power Helico achieved is indicated by the fact that he was Gaius' chamberlain who supervised the palace guard. Philo tells us that under Claudius he was put to death on account of other wrongs he committed (*Leg.* 206), though he gives no further details.

48 Heliodorus

Schol ad Iuv. 1.33–6.

Rudich 1993: 139–40.

PIR² H 53.

He may have been involved in the accusation against L. Junius Silanus Torquatus (PIR² I 838) under Nero in 65, although, according to our sole source, a scholiast's note to Juvenal, it may have been a certain Demetrius (*q.v.*) instead. At 1.33–6 Juvenal's scholiast indicates that the *magni delator amici* is not Egnatius Celer (*q.v.*), but Heliodorus, who denounced his pupil, L. Junius Silanus, for conspiracy. Tacitus does not mention Heliodorus (nor does he mention Demetrius) in the case of L. Silanus (*Ann.* 16.7.2), and nothing can be safely recovered concerning Heliodorus, other than to note that, given that the scholiast is generally correct in identifying certain individuals as *delatores* but very careless when it comes to chronology, Heliodorus probably was a *delator*, certainly a freedman (given his name), but when he was active and against whom must remain uncertain; compounding the chronological difficulty is that the scholiast variously reports that he was a Domitianic *delator* responsible for the fall of Mettius Carus (*q.v.*) and Baebius Massa (*q.v.*), a Neronian *delator* "responsible for the prosecution of many," and, perhaps most confusingly on the part of the scholiast, a *delator* from the time of Trajan who reportedly denounced Barea Soranus.

49 Hermarchus

Juv. 3.119–22; *schol ad Juv.* 3.120.

RE 8¹.722 Hermarchus 3 (Stein).

Hermarchus comes down to us as little more than a name in Umbricius' disgusted farewell to the city (see above, p. 20; cf. Diphilus' *vita*). No date can be affixed to Hermarchus' name and, if he is indeed a *delator*, he could belong to any number of emperors – Gaius, Claudius, Nero, or Domitian, who gave ear to their freedmen.

50 Hilarus

Tac. *Hist.* 2.65.

Chilver 1979: 227; Heubner 1968: 235; Weaver 1965: 468.

PIR² H 179.

Hilarus is known only from his accusation against Cluvius Rufus in 69 (PIR² C 1206); he was one of Vitellius' freedmen. Tacitus implies Hilarus' accusation was groundless, but it apparently caused Cluvius some concern. Hilarus denounced him for making a bid for imperial power when he was governor of Spain, when he realized the choice was one between Vitellius and Otho. Hilarus' evidence was, first, that Cluvius had not affixed the name of a princeps on documents (*diplomatibus*) of an official nature, and, second, that he had insulted Vitellius publicly, intending to curry popular favor for himself (*interpretabatur quaedam ex orationibus eius contumeliosa in Vitellium et pro se ipso popularia*). Hilarus appears to have overreached himself, for Cluvius proved too powerful a target, and Vitellius punished the freedman (though how we are not told); Cluvius remained on good terms with Vitellius, and kept his province.

51 Isidorus

Philo *Flac.* 20–4; 125–7; 135; *Leg.* 355; *Acta Alex.* 2.2.27–31; 4A.2; 4A.3; 4B.1; 4C.2; 11B.4.

Barrett 1989: 79, 90, 185–7; 1996: 136; Hopkins 1928: 171–7; Musurillo 1954: 117–28; Premerstein 1932: 174–96.

PIR² I 53; RE 9.2061–2 = Isidorus 8 (Stein).

Isidorus – the spiteful sycophant (*ho pikros sychophantes*) – was a Greek from Alexandria who, along with Lampo, accused Avillius Flaccus (*q.v.*) before Gaius in 38 (see above, p. 146). Philo is not wanting in aspersions when he

introduces Lampo in the *in Flaccum*, where he calls him a “busy intriguer” and “helper of evils,” since he had at one time assisted Flaccus when he was praefect of Egypt and benefited from his administration. Philo depicts Isidorus as a demagogue of the worst sort (*Flac.* 135) who inflamed the civic unrest that disturbed Alexandria in the late 30s; Barrett is probably correct to see in Isidorus a manifestation of rabid Alexandrian nationalism. At one point, according to Philo, Isidorus fell out of favor with Flaccus; in revenge, Isidorus suborned a large group of people through bribes and free distribution of wine (*Flac.* 142), to gather at the gymnasium in Alexandria where Flaccus held court and, at his bidding, to launch a series of false accusations against Flaccus (*Flac.* 139). The cause of the outburst was investigated at a meeting of the people, and Isidorus was exposed, but fled the city before he could be arrested. By 38, he was once again in Flaccus’ good graces; Flaccus apparently found that he needed Isidorus’ assistance in order to maintain peace and stability (*Flac.* 17–20). He is known in the *Acta* as one of Flaccus’ chief ministers (2.2.27–31). He was later, however, Flaccus’ accuser along with Lampo, and was one of the envoys in the embassy to Gaius denouncing the Jews of Alexandria (with Philo opposing); one charge against Flaccus was *impietas* against the emperor (*Leg.* 355). Isidorus was later one of the prosecutors of either Herod Agrippa or his son Agrippa II in 53 (again with Lampo; see Premerstein 1932: 174–96 for a lengthy discussion concerning the problems of dating this prosecution; cf. Barrett 1996: 136). That Isidorus was involved in other accusations on behalf of Gaius is indicated by the *Acta*, where Claudius accused him (in the case of Agrippa) of prosecuting his friends under Gaius, including a certain Naevius, which Barrett believes (probably correctly) to indicate that he was involved in the fall of Sertorius Macro (*Acta* 4A.2; 4A.3; 4B.1; 4C.2). Indeed, there is good reason to suspect that Flaccus’ own fall from grace was associated with Macro’s; Isidorus, as a friend of Flaccus’ early on, could have been privy to communications between the two that he subsequently used to bring down both (see Barrett 1989: 79–81, 90). Gaius, however, will scarcely have needed the prompting of two Greeks from Alexandria to crush Flaccus, who had been involved in the prosecution of his mother, Agrippina the Elder. It is likely that Isidorus shared the fate of Lampo (*q.v.*) when he was condemned on the grounds that he had acted against Claudius’ friends under Gaius.

52 Iturius

Tac. *Ann.* 13.19.3–4; 13.21.2; 14.12.6–7.

Köstermann 1967: 271–2, 275; 1968: 49; Rudich 1993: 263–4.

PIR¹ I 62; RE 9.2380–1 = Iturius (Stein).

Iturius was a client of Junia Silana’s whom she suborned in 55 to accuse Agrippina in revenge for Agrippina’s discouraging Sextius Africanus (PIR¹ S

464) from marrying her (see above, p. 151). The charge was plotting revolt against Nero with Rubellius Plautus, though Agrippina successfully attacked Iturius' (and the other freedmen's) motives, claiming that Iturius was a spendthrift, with his eye on profit, and interested in a place in Silana's will, now an old woman for whom he was performing this last service (Tac. Ann. 13.21.4). Iturius and his band lost their case, and he was relegated, along with Calvisius (Ann. 13.22.3). His banishment lasted until 59, when, after Agrippina's death, those who had been exiled through her influence were allowed to return and had their punishment annulled; nothing more is known of Iturius, his career, or his family.

53 Julius Celsus

Tac. Ann. 6.9.6; 6.14.1–2.

Demougin 1992: 241–2; Köstermann 1965: 260–1; Levick 1976a: 284 n. 58; Rogers 1935: 141–2; Seager 1972: 228, 230.

PIR² I 256; RE 10.543 = Iulius 179 (Stein).

Nothing is known of this individual other than that he was a tribune of the city cohort (*tribunus urbanae cohortis*) of equestrian status in 32 whom Tacitus refers to as an informant, presumably against those involved with Sejanus (see above, p. 98). In that capacity he appears to have divulged involvement by certain members of the praetorian guard in Sejanus' conspiracy, and to have had inside information about the involvement of certain prominent citizens involved in the plot: Annius Pollio, his son Vinicianus, Appius Silanus, Mam. Aemilius Scaurus (*q.v.*), and Calvisius Sabinus were all implicated, but Celsus was able to exculpate Silanus and Calvisius, and Tiberius put off taking any action against the remaining individuals (see above, pp. 98–9). Celsus was no doubt making an effort to save himself by turning *index* against those involved with Sejanus (Rogers 1935: 141). It helped Celsus little: he later was charged with conspiracy (probably with Sejanus) and committed suicide by breaking his own neck with the chains in which he had been bound.

54 Julius Marinus[?]

Tac. Ann. 6.10.2.

Crook 1955: 168; Demougin 1992: 401 n. 2; Köstermann 1965: 263; Rogers 1935: 108; Seager 1972: 229; Syme 1958: 302 n. 4; 1980: 54, 90.

PIR² I 406; RE 10.669 = Iulius 339 (Stein).

Syme (1958: 302 n. 4) mistakenly makes him out to be an equestrian (see Demougin); he is known only from a brief mention in Tacitus. He was one of Tiberius' old friends who had accompanied him to Rhodes and later Capri, and was put to death in 32 for his involvement with Sejanus (see above, p. 99). The nature of his involvement with Sejanus and the scant information we have about his life makes his identification as a *delator* uncertain; he appears to have been involved in the downfall of Curtius Atticus (*PIR*² C 1609), a distinguished equestrian (Tac. *Ann.* 4.58.1) who had also accompanied Tiberius in his self-imposed exile to Capri, but when his destruction took place is not certain. All Tacitus tells us is that Marinus was Sejanus' partner in Atticus' destruction. He is also called one of the "advisers" (*consultores*) in Atticus' demise; the case appears to have been notorious, for the senate received the news of Marinus' death with joy. What was Marinus' role in the case? Any solution is conjectural. He may have been an accuser acting as proxy for Sejanus. As a member of the emperor's inner circle, he could have taken advantage of his relationship with Tiberius to denounce Curtius to the emperor in private. Syme (1958: 302) conjectures that he was an ancestor of the consul *suffectus* in 87, and argues that the family could have been of either Gallic or Syrian origin (see 1980: 54).

55 C. Julius Maro

Sen. *Ben.* 3.26.2; Dio frag. Const. Man. v. 1975–9.

Bauman 1974: 83; Rogers 1935: 172.

*PIR*² I 409; RE 14.1907 = Maro (Stein); *CIL* 6.4173; 33587.

Seneca notes Maro as one of the most notorious spies (*vestigatores*) from Tiberius' reign, and involved in perhaps one of the most infamous instances of *delatio*: he accused Paulus, a man of praetorian status, of using a chamber pot while wearing a ring which carried a portrait of Tiberius. The charge was probably *maiestas*. Nothing more is known of Maro, his lineage, or his descendants. An inscription remains which is conjectured to be of one of his freedmen, Eros (*CIL* 6.33587). The *liberti Maroniani Augusti* may have derived their name from this Maro (*CIL* 6.4173), but this too is conjecture.

56 Junius Lupus

Tac. *Ann.* 12.42.4–5.

Barrett 1996: 123; Bauman 1992: 183–4; Köstermann 1967: 182; Levick 1990: 75.

*PIR*² I 766; RE 10.1050 = Iunius 89 (Riba).

Nothing is known of Junius Lupus outside of the case in which he charged Claudius' aged courtier, L. Vitellius, with *maiestas* in the year 51, accusing him of making a bid for supreme power (see above, p. 149); the only personal detail Tacitus gives us is that Lupus was a senator. Köstermann conjectures that Lupus was put up by Narcissus or some other member of Claudius' court to test Agrippina's power. Lupus presented the charge to the emperor himself, but Claudius was deterred from accepting the charge due to Agrippina's threats. She was able to turn the accusation against Lupus and had him interdicted from fire and water. Tacitus' presentation of Lupus is less than flattering: he introduces the accusation in typically loaded language ("Vitellius was seized by an accusation" [*accusatione corripitur*]), and concludes the case in a manner which implies that Vitellius had a genuine case against the accuser, and could have exercised his influence to exact a harsher penalty. What prompted this young man, early on in his career, to attack so powerful a figure? Levick's (1990: 75) assessment is as follows: "He was a young man, an ex-aedile at most, and his attack probably no more than a suicidal demonstration of loyalty to L. Silanus and Junia Calvina, of whom he may have been a distant connexion." Fair enough, but if he was only an aedile he will have still been out to make a name for himself by attacking a powerful courtier. We know of similar actions (and missteps) by young up-and-coming politicians (see e.g. Licinius Caecina in Tac. *Hist.* 2.53.1). Lupus could have been simply an inexperienced young man on the make. Nothing more is heard from him after this episode.

57 Junius Otho

Sen. *Contr.* 1.1.5; 1.3.11; 1.8.3; 2.1.33–5; 7.3.5; 7.7.15; 10.5.25; Tac. *Ann.* 3.66.2–4; 6.47.1.

Bauman 1974: 92–9; Fairweather 1981: 167–70; Köstermann 1963: 548; 1965: 354; Levick 1976a: 214, 217; Marsh 1931: 112–13; Rogers 1935: 66–70; Seager 1972: 159–61; Stein 1927: 226, 279; Syme 1958: 326–7; Woodman and Martin 1996: 459.

PIR² I 788; RE 10.1071–3 = Iunius 113 (Gerth).

Tacitus tells us that Otho had come from humble beginnings (he had been a schoolteacher) before becoming a senator through Sejanus' patronage, who may have given him the monetary assistance to achieve his status. He was praetor in 22 when he accused Silanus of either *maiestas* or *impietas* (see above, p. 68). He was famous as a rhetorician, known for a style replete with witticisms, and published four books of *colores* (Sen. *Contr.* 2.1.33; see Fairweather for discussion). He and Bruttidius Niger can be found practicing declamations together (*Contr.* 2.1.34–5), and Seneca considered Otho superior. Throughout the *Controversiae*, Seneca refers to Otho as Junius Otho *pater*, to distinguish him from his son of the same name (PIR² I 789). Tacitus' brief notice of his son may

provide a clue to Junius Otho's fate: the younger Otho, tribune in 37, vetoed the rewards offered to Laelius Balbus (*q.v.*) after his successful prosecution of Acutia in the same year, "from which hatred arose between them, and soon destruction for Otho" (*Ann.* 6.47.1). But was Junius the Younger's veto truly the cause for their hatred? What motivated Junius' veto in the first place? We may conjecture that the enmity between Junius the Younger and Laelius arose earlier, say in the wake of Sejanus' fall, when it is entirely possible that Laelius prosecuted Junius senior as Sejanus' client and instrument.

58 D. Laelius Balbus

Quint. Inst. 10.1.23; *Tac. Ann.* 6.47.1–3; 6.48.6; *Suet. Nero* 5.2; cf. *Dio* 58.27.4–5.

Bauman 1974: 131–4; 1992: 116, 164; Forsyth 1969: 204–7; Furneaux 1896: 651; Gallivan 1978: 408, 414, 425; Köstermann 1965: 354, 359; Levick 1976a: 216; Marsh 1931: 217–18, 307–8; Marshall 1990: 348; Rogers 1935: 161–2; Seager 1972: 238–9; Syme 1986: 48, 78, 379.

*PIR*² L 48; *RE* 12.415–16 = Laelius 16 (Miltner); *CIL* 6.1267a–b; 6.31543; 6.31573.

Laelius may have been the son of the consul of AD 6 (so Nipperdy cited by Furneaux; for his father [a *novus homo*] see Syme 1986: 78; cf. *PIR*² L 47). If that is the case, he will have come from a family with a well-attested history already under the Republic. Laelius himself entered history in 37 when he accused a woman named Acutia (otherwise unknown) of *maiestas* before the senate (see above, p. 101). She was condemned, though her fate afterwards is unknown. Laelius may not have benefited from the prosecution: after Laelius was voted a reward, the tribune, Junius Otho (possibly the son of the *delator*, *q.v.*) interceded to prevent it, although Tacitus does not say whether Otho succeeded in his attempt. It did ultimately, according to Tacitus, result in Otho's destruction during Gaius' reign. In that same year, Laelius was accused along with Albucilla (*PIR*² A 487; see above, pp. 101–2). Laelius was condemned and stripped of senatorial rank to the delight of all, since, Tacitus (*Ann.* 6.48.6) says, he was a man of savage eloquence (*trux eloquentia*) and "ready against the innocent" (*promptum adversum insontes*, a phrase which has been taken as indication of Acutia's innocence). That Laelius was subsequently restored to his senatorial rank Tacitus indicates in his remark that the enmity between Otho and Laelius resulted in Otho's destruction, which must have been recorded in the lost portion of the *Annales* (between 37 and 47). Indeed, it is entirely possible that he returned from exile and not only was restored to his former status as a senator, but went on to hold the office of consul *suffectus* from July until September 46 (see Gallivan 1978: 408–9), although the possibility must

remain open that the D. Laelius Balbus mentioned in the *fasti* is the son of our Tiberian *delator*. In addition to the possibility of a son, he may have had a daughter, Laelia, who was a Vestal, an office that will have given distinction to his house (Tac. *Ann.* 15.22.4). At some point in his career, he was involved in a famous defense, the *pro Voluseno Catulo* (Quint. *Inst.* 10.1.23; cf. *CIL* 6.1267a–b; 31573–4; 31543; Rogers 1935: 170). Volusenus, we know from inscription, was a man of consular rank, and had an array of powerful defenders, including (besides Laelius) Cn. Domitius Afer and C. Passienus Crispus. Of the charges, the verdict, or the prosecutors, we know nothing. Laelius' name appears with L. Volusenus Catulus in yet another connection: both appear together as the *curatores* of a public restoration project (*CIL* 6.31573), but of what is unknown. Rogers argues that Volusenus' case must have taken place before Laelius' banishment, but there is no reason not to attribute it to the reign of Gaius or the early part of Claudius' reign, since Laelius was likely restored to his former status. We know from Quintilian that the orations of all three orators were highly esteemed (*insignes orationes*).

59 Lampo

Philo *Flac.* 125–35; *Acta Alex.* 4A.3; 11B.4.

Barrett 1989: 79, 90, 187.

PIR² L 78; RE 12.581 = Lampo 4 (Stein).

Lampo was a Greek living in Alexandria when Avillius Flaccus (*q.v.*) was praefect. He acted as Flaccus' judicial assistant, and made money from his office, if we can believe Philo, by the most nefarious means: Lampo would tamper with evidence by expunging testimony that was inconvenient, and would insert statements into the evidence which helped to win his case against the accused. He relied on Flaccus' poor memory, according to Philo, to "adjust" court documents by which he sentenced some to execution, and profited from the proceeds of the condemned (*Flac.* 131–3). Initially, he had been a supporter of Flaccus (*Flac.* 126). Later, however, Flaccus tried him for *impietas* against Tiberius, and the two became bitter enemies (*Flac.* 128). The trial was apparently a protracted one, and Philo attributes this to Flaccus' desire to mentally break Lampo and make his life as miserable as possible (*Flac.* 129). Lampo won his case, however, but was then compelled to act as gymnasiarch, a public duty which forced him to make great expenditures from his own pocket despite the fact that under examination he was found to be of little means. Lampo, along with Isidorus (*q.v.*), prosecuted Flaccus before Gaius probably in late 38 or early 39; on what charge is unknown, but *de vi publica* is a safe conjecture, given the picture Philo paints of Flaccus' administration. Another (and more likely) alternative is that Gaius tried Flaccus as a partisan of Gemellus' for paying court to Macro (see above, pp. 201–2; cf. Isidorus' *vita*).

Little is known about the trial itself (see Avillius Flaccus' *vita*). Lampo is next found prosecuting either Herod Agrippa or his son Agrippa II (see Isidorus' *vita*), before Claudius in 53, a case he lost (it may have concerned the status of Alexandrian Jews, according to Barrett 1989: 79), and as a result of which he was executed (*Acta* 4A.3). More concerning Lampo is not certain; he is, however, one of the few provincials, along with Isidorus, we can cite from this period involved in delation.

60 Latinus

Mart. 1.4.5; 2.72.3; 3.86.3; 5.61.11; 9.28; 13.2.3; Suet. *Dom.* 15.3; Juv. 1.35–6; 6.44; *schol. ad Juv.* 1.35; 4.53; 6.44.

Braund 1996: 84–5; Courtney 1980: 92–3; Ferguson 1979: 114.

PIR² L 129; RE 12.937–8 = Latinus 3 (Diehl; Lieben); CIL 14.2408(?).

Suetonius tells us that he was a mime (*mimus*) who shared Domitian's table and used to tell him the day's gossip, but mentions no delation on his part. He is likely the "satirical character" (*derisor*) found in Mart. 1.4.5 and the actor in 2.72.3 who plays the part of a clown in farces (cf. 5.61.11), some apparently of an obscene nature (3.86.3), and was known for his wit (13.2.3). Martial, too, mentions nothing about his activities as a *delator*. In Juvenal 1.36, however, Latinus is found in the company of Mettius Carus and Baebius Massa as a court favorite who fears a *magnus delator*. Although we need not take this passage to mean that Latinus practiced delation, it certainly makes sense to do so, since he is found in the company of two *delatores* who fear one even greater than themselves, and his presence would make no sense unless we are meant to understand that he, too, was a *delator* who feared his own kind (Juv. 1.35–6); moreover the scholiast, while admittedly not always reliable in his chronology, is usually correct in identifying individuals who acted as *delatores*, and Latinus is classed among the most worthless (*nequissimi*) of them. Unfortunately the various scholiasts to this passage are so garbled in their chronology, placing Latinus, along with Carus and Massa, diversely under Nero and Trajan, that nothing is retrievable concerning any specific cases in which he may have been involved. Latinus' role as a *delator* appears to have been (relatively) long remembered in antiquity, since he also appeared in the scholiast to Marius Maximus' *vita Nervae* as a notorious *delator* (cf. *schol. ad Juv.* 4.53).

61 L. Lucanius(?) Latiaris

Tac. *Ann.* 4.68–70; 6.4.1; Dio 58.1.1–3.

Bauman 1974: 121–2; Köstermann 1965: 201–3; Levick 1976a: 168, 202; Marsh 1931: 183–4, 202; Rogers 1931a: 144–5; 1935: 94–7; Seager 1972: 207–8; Syme 1958: 747; 1970: 70; Walker 1960: 36; Woodman and Martin 1989: 249.

PIR² L 346; RE 12.925–6 = Latinius 2 (Fluss); CIL 15.1245.

There is some difficulty with Latiaris' name. Hence Syme (1958: 747): "the same person is called 'Latinius Latiaris' (Tac. Ann. IV.68.2), and 'Latinus' (71.1), but 'Lucanius Latiaris' (VI.4.1). What is the remedy? 'Lucanius' is probably correct [citing CIL 15.1245]: but the inconsistency should not be corrected out of existence. The historian (not the scribe) may be responsible; and the *nomina* might derive from different sources ultimately." (Latinius is read at 6.4 by Furneaux and Fisher, Lucanius by Köstermann.) He may have had a brother, Q. Lucanius Latinus (PIR² L 347), who was praetor of the treasury of Saturn (*aerarium Saturni*) in 19, and was possibly the son of Q. Lucanius Proculus, proconsul of Crete and Cyrene under Augustus (PIR² L 348; IGRR 1.1032 = SEG 38.96). Latiaris, along with Porcius Cato, Petillius Rufus, and M. Opsius, was involved in the entrapment and accusation of Titius Sabinus (PIR¹ T 202) in 28 (see above, pp. 144–5). At the time Latiaris had already held the praetorship and was now aiming for the consulship (Tac. Ann. 4.68.2). In 32 Latiaris was to receive his "just reward" when Sextius Paconianus, one of Sejanus' clients, denounced him to save himself (Ann. 4.71.1; 6.4.1); execution was his likely end (Marsh 1931: 202 with n. 2).

62 Mettius Carus

Mart. 12.25.4–5; Plin. Ep. 1.5.3; 7.19.5; 7.27.14; Tac. Agr. 45.1; Juv. 1.35–6; schol. ad Juv. 1.35.

Braund 1996: 84; Ferguson 1979: 114; Gérard 1976: 37–47; Jones 1992: 181; Ogilvie and Richmond 1967: 307; Rogers 1960: 20; Sherwin-White 1966: 96; Syme 1991b: 565 (cf. 1958: 82 n. 3).

PIR² M 562; RE 15².1499 = Mettius 7 (Stein).

Up until 93 he had only one successful (notorious) prosecution to his credit (Tac. Agr. 45.1); Ogilvie and Richmond (1967: 307) conjecture that the "one victory" (*una victoria*) to which Tacitus refers may be the trial of Cornelia (PIR² C 1481), one of the Vestal Virgins, in which case Carus will have pleaded before Domitian himself, since Vestals were tried before the *pontifex maximus* (see Plin. Ep. 4.11.6; cf. above, p. 63). He was the prosecutor of Herennius Senecio (PIR² H 128) in 93 (see above, pp. 131–2). Carus then set his sights on the prosecution of Fannia (Plin. Ep. 7.19; for Fannia see PIR² F 118), wife of Helvidius Priscus, daughter of Thræsea Paetus, since it had come out during Herennius' trial, in a rather harsh and threatening line of interrogation by

Carus, that Fannia had supplied Herennius with the *commentarii* of her dead husband to complete his work. Fannia was banished, her goods confiscated, and the *commentarii* burned (though Fannia smuggled copies with her into exile). Pliny claims after Domitian's death to have found among Carus' papers information laid against him (Plin. *Ep.* 7.27.14), though some have doubted how seriously Domitian will have taken Carus' charge; scholars have also questioned Pliny's claim that he would have been a defendant had Domitian lived longer (see Syme 1991b: 565; cf. Giovannini 1987: 232–40). Carus was apparently notorious enough as a *delator* to be synonymous with the activity in Martial (*ecce reum Carus te detulit*, 12.25.4). In Juv. 1.36, he is used as a negative foil for the *magnus delator* (cf. the *vitae* of Egnatius Celer and Heliodorus). Juvenal's scholiast 1.35 says that Carus was a dwarf, one of Nero's freedmen, and among the "most worthless" (*nequissimi*) *delatores*. We may doubt the first assertion as scurrilous; the scholiast also says that he was executed when Heliodorus (*q.v.*) laid information against him (and that he tried to bribe his way out of his death sentence), a plausible assertion at least, since nothing more is heard of Carus after Domitian's death.

63 Narcissus

Sen. *Apoc.* 13; *Nat.* 4 *pr.* 15; Plin. *Nat.* 33.134; Tac. *Ann.* 11.29–30; 11.33–5; 11.37–8; 12.1.3; 12.2.1; 12.57.4–5; 12.65–66.1; 13.1.4; Juv. 14.329–30; Suet. *Claud.* 28; 37; *Vit.* 2.5; *Ves.* 4.1; *Tit.* 2; Dio 60.14.3; 60.15.5; 60.16.2; 60.19.2–3; 60.31.4; 60.33.5–6; 60.34.4–6; Aur. *Vict. Epit.* 4.8; Julian *Caes.*; Claud. In *Eutrop.* 1.441; *schol ad Juv.* 14.327–31; Sid. *Apoll. Ep.* 5.7.3.

Bauman 1974: 202–3; 1992: 186; Crook 1955: 41–2; D'Arms 1981: 77; Duff 1928: 149, 156, 177–8, 183; Griffin 1984: 39, 53–4, 116; Köstermann 1967: 91–3, 98–9, 101, 104–5, 110–11, 207, 221–4, 234–5; Levick 1990: 47, 59–60, 65, 70, 75, 141, 190; Millar 1977: 75–6, 269; Parassoglou 1978: 22; Rudich 1993: xxv, 191–2, 257; Syme 1958: 261; Talbert 1984: 157, 325; Weaver 1972: 259–64.

*PIR*³ N 23; *RE* 16².1701–5 = Narcissus 1 (Stein); *CIL* 5.6641; 15.7500 = *ILS* 1666.

Narcissus' status as a *delator* is questionable, although it is perhaps telltale that he is ranked in Sidonius' letter with the likes of Mettius Carus, Baebius Massa, and Eprius Marcellus. Few freedmen of the Empire are better known than Narcissus, Claudius' notorious freedman and *ab epistulis*. Early in Claudius' reign he colluded with Messalina in the destruction of Appius Silanus in 42 (see above, p. 164). Again in 42, in the wake of the revolt of Camillus, Narcissus assisted in prosecuting those involved (see above, p. 165). Indeed, there is ample evidence for his role as interrogator – possibly even prosecutor, in the trial of Camillus' freedman Galaesus (*PIR*² G 23): Narcissus had taken the floor and was questioning Galaesus, and asked, "What would you have done,

Galaesus, had Camillus become emperor?," to which Galaesus gave what became a famous response: "I would have stood behind him and kept silent" (Dio 60.16.4–5). It is not past thinking that he was also involved in the prosecution of Umbonius Silio, governor of Baetica in 44. Silio was accused of sending insufficient amounts of grain to the army in Mauretania, though Dio (60.24.5) says that the real reason for his prosecution was that he had offended some of the imperial freedmen; more about this case, however, we cannot recover. In 43 Narcissus accompanied Claudius' general Plautius in the invasion of Britain, and went so far as to address rebellious troops when they refused to go further than Gaul. On his mounting the tribunal to deliver his harangue, the troops became indignant upon seeing a mere freedman assume the role of general, and started shouting "Io, Saturnalia," after which they willingly followed Plautius to Britain (Dio 60.19.2–3). He was the chief mover in the fall of Messalina, although the two had been in league together in a number of prosecutions (Tac. *Ann.* 11.33–5; 37–8; cf. Dio 60.31.4; for his relationship with Messalina see Sen. *Nat.* 4 *pr.* 15). Initially Narcissus, along with other freedmen, tried to dissuade her from her connection with Silius, the consul and her fellow conspirator in the attempted *coup* against Claudius, with threats of exposure (Tac. *Ann.* 11.29.1). Narcissus alone among the most powerful freedmen carried out his threat against Messalina, while Pallas and Callistus, fearful of failure, held back. In betraying the plot of Messalina and Silius to Claudius, Narcissus induced a pair of imperial concubines, Calpurnia and Cleopatra, to denounce Messalina's infidelity to Claudius; Narcissus then corroborated their story (*Ann.* 11.30.1–2). Narcissus first implored Claudius' forgiveness for keeping Messalina's behavior secret for so long, then informed Claudius of his divorce. With a view to swiftly crushing the conspiracy and ensuring the loyalty of those involved, Claudius transferred the command of the praetorian guard for the day from Lusius Geta, a suspected adherent of Messalina's, to Narcissus. On the return trip back from Ostia, Narcissus insisted that he ride with Claudius in order that the emperor's sympathy not be turned in favor of Messalina by L. Vitellius (*q.v.* [the Elder]) and Caecina Largus, two of his advisers (Tac. *Ann.* 11.33); during the journey back Narcissus seized upon several cryptic remarks made by Vitellius in order to expose his loyalties, but to no avail (*Ann.* 11.34.1–2). When they drew near Rome, Messalina sent her children to greet Claudius, and Narcissus intervened to prevent their approach, though Messalina's mother did gain an audience (*Ann.* 11.34.3–5). From this point on, according to Tacitus, Narcissus and the freedmen controlled everything (*Ann.* 11.35): Narcissus broke into Silius' house and showed the gifts Messalina had bestowed on him, heirlooms of the imperial house; they then proceeded to the praetorian camp, where Narcissus addressed the troops, followed by Claudius. There was a short, sharp day of executions, suicides, and trials, the climax of which was Messalina's demise, closely overseen by Narcissus (Juvenal in fact says that he ordered Claudius to execute her, 14.327–31); his own safety depended on her death (Tac. *Ann.* 11.29.2). At dinner that night,

Claudius wavered, and Narcissus saw the danger: he ordered a centurion to execute Messalina – the instructions, he said, came from Claudius. After her execution and that of her followers, Narcissus was voted the *quaestoria insignia* (Ann. 11.38.5). The award notwithstanding, Levick rightly contends that Narcissus' role in the fall of Messalina did him more harm than good and brought the imperial house into disrepute (1990: 75); it was Agrippina who set it aright. Among the competitors for a new wife for Claudius, Narcissus put forth the name of Aelia Paetina (Tac. Ann. 12.1.3–12.2.1): there was a long-standing connection between Claudius and Aelia (they had been married to one another before), and there was a child, Antonia, between the two; in addition, Paetina would have no aversion to Britannicus and Octavia, according to Narcissus. It was a debate Narcissus lost, and Claudius married his niece Agrippina the Younger, a woman with whom Narcissus' relationship was always strained. The storm between the two broke at the surface in 52 during the Fucine Lake fiasco. Dio says that when the Fucine Lake caved in, Narcissus was blamed for it since he had been in charge of the undertaking, though he had spent a great deal less than he received, and contrived the collapse to hide the shoddy work. The charge is supported by Tacitus, who says (rather dubiously) that Agrippina the Younger, in the wake of the disaster, charged Narcissus with avarice and embezzlement (Tac. Ann. 12.57.4–5; cf. Dio 60.33.5). He is not heard of again until 54, when he stood violently opposed to Agrippina's attempt to destroy Domitia Lepida, Nero's aunt, on charges of, among other things, magic, for which she was sentenced to death (Tac. Ann. 12.65; see Rudich 1993: 264 for discussion). In the last years of Claudius' reign Narcissus' power waned, and his own fate, by his own admission, was sealed, as Agrippina's power – and the favor shown to Nero, her son – increased (Ann. 12.65). It may be the efforts of Narcissus to win support for himself and the faction of Britannicus at court that prompts Seneca to remark that Narcissus had tampered with his own allegiance at one point (Sen. Nat. 4 pr. 15). The real reason for Narcissus' fall from grace at court was surely his support of Britannicus, noted in both Tacitus and Suetonius (who relates a telling anecdote: Narcissus had a physiognomist read Britannicus' face to foretell whether he would be emperor; the answer was negative, but Titus [the future emperor and his close friend] received positive assurance [Suet. Tit. 2]). It was now that he retired to his estate in Sinuessa (estates are also attested near Baiae and Naples [based on *tegulae* discovered in Stabiae with the stamp *Narcissus Aug. libertus*; see D'Arms 1981: 77] as well as in the district of Arsinoite in Egypt, though this is uncertain [see Parassoglou 1978: 22]), a move Agrippina may have forced him to make, since Dio states (60.34.4) that she was vexed at how closely Narcissus guarded access to Claudius. This made Claudius vulnerable to Agrippina's designs, according to Tacitus (12.66.1). After Claudius' death, he was arrested, put under close confinement, and forced to suicide at the protest of Nero (Tac. Ann. 13.1.4). In an ironic twist, he is reported to have perished next to the tomb of Messalina (Dio 60.34.5). Just

prior to his death, he burned some incriminating letters which might have contained information detrimental to Britannicus; alternatively, Agrippina's own agents might also have destroyed them if they contained, as Dio says, denunciations against Agrippina (see Rudich 1993: 257; Bauman 1992: 186). Few other details concerning his life emerge from our sources except for his rather malicious sense of humor and his wealth. He was apparently inclined to make sport of his patron, the emperor: one day, when giving an audience to the Bithynians concerning Junius Chilo, a corrupt legate, Claudius did not understand what the Bithynians were saying, and asked Narcissus to interpret; Narcissus told him that they were expressing their gratitude to Junius, whereupon Claudius appointed him governor for another two years. Dio says that Narcissus was the richest man of his day, worth 400,000,000 sesterces, and court was paid to him by kings and cities alike (60.34.4; cf. *Aur. Vict. Epit.* 4.8; *Plin. Nat.* 33.134 [where he remarks that Narcissus was richer than Crassus]). His wealth is compared to that of Croesus in *Juv.* 14.329–30, and the scholiast says he was the wealthiest eunuch (a detail we may doubt) of his day. Suetonius reports (*Claud.* 28) that he (along with Pallas) was the most favored of Claudius' freedmen, and that both were allowed to amass enormous wealth as well as winning the insignia of quaestor and praetor through senatorial decrees. That not all of his wealth was acquired through honest means is indicated in the same passage (*Claud.* 28). His subsequently notorious reputation is indicated by Claudian, who lumps him together with Chrysogonus, Sulla's infamous freedman (in *Eutrop.* 1.441). L. Vitellius, Claudius' sycophantic courtier, is recalled as worshipping a golden statue of Narcissus (and Pallas) among his household gods (*Suet. Vit.* 2.5). Narcissus was also instrumental in helping Vespasian advance in his career, procuring for him the command of a legion in Germany (*Suet. Ves.* 4.1).

64 Nonius Attianus

Tac. Hist. 4.41.2.

PIR² N 128; RE 17¹.874 = Nonius 24 (Swoboda).

The gentilicium was not an uncommon one, but nothing else can be recovered concerning the family or career of Nonius Attianus other than his name and the fact that he had rendered himself notorious for his prosecutions under Nero (*Hist.* 4.41.2) – sufficiently so for him to be among those lesser *delatores* punished at a tumultuous session of the senate in January of 70 (see above, p. 125). He was apparently among those *delatores* who took an oath swearing that they had harmed no fellow senator under Nero, and who were subsequently condemned for perjury.

65 Norbanus Licinianus

Plin. *Ep.* 3.9.29–35.

Avonzo 1957: 92–3, 151–2; Eck 1982: 328; Jones 1992: 189–90; Sherwin-White 1966: 235–7.

PIR² N 168a; RE 17¹.935 = Norbanus 11 (Stein).

Norbanus Licinianus was involved in the prosecution of Caecilius Classicus (PIR² C 32), proconsul of Baetica in 97/8 (which took place in 100 or 101, see Sherwin-White 1966: 230). In the case of Classicus, Norbanus was one of the representatives of the Baetici who had been involved in collecting evidence in the case against him. Norbanus, in turn, was charged by a witness in the case of Casta (otherwise unknown), Classicus' wife, of collusion with the defense. Law precluded investigation of the charge while the case of Classicus was still on the docket, but in this case the law was ignored because, according to Pliny, Norbanus had profited from the reign of Domitian, and because he appeared to have been chosen by the province to investigate Classicus not on account of his good character or trustworthiness, but because he was Classicus' enemy (since Classicus had previously prosecuted, condemned, and exiled him [from Baetica], *Ep.* 3.9.31). His exile will not have lasted more than a year (so Sherwin-White 1966: 236). Norbanus was given no time to put together his defense, but forced to defend himself on the spot, which Pliny says he did very well. But then more accusations arose, and two consulars, Pomponius Rufus and Libo Frugi, charged him with taking part in the prosecution of Salvius Liberalis under Domitian (3.9.33; concerning Liberalis see PIR¹ S 105; RE 2.1².2026–9 = Salvius 15 [Groag]; Jones 1992: 189–90; he was consul ca. 85). Sherwin-White argues (1966: 237) that Norbanus would have been guilty of *calumnia*. (Norbanus' prosecution may have ruined Liberalis; see Sherwin-White [1966: 237], who conjectures that Pliny's phrase "was at hand with the accusers" [*accusatoribus adfuisset*, 3.9.33] indicates that Norbanus will have acted as the *subscriptor*.) Norbanus' low status (he was not a senator) could only help to exacerbate feelings against him, especially given that his prosecution was against a senior Flavian *amicus*. Norbanus will have accused Liberalis "before a judge" (*apud iudicem*, which Sherwin-White (1966: 237) takes to mean in front of a special court appointed by the princeps). In the wake of his condemnation, Norbanus was relegated to an island – although in a twist that was without precedent, according to Pliny, Classicus' wife and Norbanus' accuser, Casta, was acquitted (3.9.33–4). Sherwin-White (1966: 236) plausibly argues that Norbanus was using his own connections in the province to involve his enemies in ruin, but that the senate's hatred of the dead Domitian was exploited to effect his destruction. For a detailed discussion of the legal background to Norbanus' case, see Avonzo (1957: 92–3, 151–2).

66 M. Opsius

Tac. Ann. 4.68–70; Dio 58.1.1–3.

Bauman 1974: 121–2; Köstermann 1965: 202; Marsh 1931: 183–4; Rogers 1931a: 144–5; 1935: 94–7; Seager 1972: 207–8.

PIR² O 126; RE 18¹.758 = Opsius 1 (Hoffman); CIL 6.9305(?); IG 14.719(?).

In the year 27 Opsius was one of the *delatores* who attacked Titius Sabinus, along with Porcius Cato, Petillius Rufus, and Lucianus Latiaris (Tac. Ann. 4.68.2; see above, pp. 144–5); Tacitus writes that he had already held the office of praetor and was eager to obtain the consulship. Whether he paid the price for his delation after Sejanus' demise, or in the reign of Gaius, is uncertain, although the latter is more likely; Tacitus promises to mention the fall of each of the four involved in the case of Sabinus in turn, how some perished under Tiberius, some under Gaius, and he mentions Latiaris and Opsius specifically. More about Opsius is not known. The M. Opsius Naevius Fanninus named on a votive inscription (IG 14.719 = IGRR 1.431; cf. IG 14.795 [see Köstermann]) discovered near Naples (who had been a member of the *decemviri*, a *tribunus militum* in Macedonia, acted as quaestor in Bithynia-Pontus, and went on to hold the offices of aedile, *praefectus annonae* [*eparchos seitou doseos dogmati sunkleitou Romaion*], and praetor) is probably not the same Opsius as the one mentioned in Tacitus.

67 Ostorius Sabinus

Tac. Ann. 16.23.1; 16.33.4.

Demougin 1992: 486; Köstermann 1968: 384–5, 405; Rudich 1993: 158, 160, 180; Stein 1927: 278.

PIR² O 110; RE 18².1670 = Ostorius 2 (Stein).

Ostorius Sabinus was an equestrian and one of the accusers of Barea Soranus in 66 (see above, pp. 119–21). Sabinus was probably a young man when he conducted the prosecution – or one who had yet to make a name for himself – for he was honored with the *quaestoria insignia* (which would put him in his mid-twenties, if we suppose that he was following a normal career path), and awarded 1,200,000 sesterces. We hear nothing more of Sabinus, but it is very likely that he survived Nero and remained in the senate, since Helvidius Priscus, in the bitter debates of 70, stated that if the accusers of Thræsea, Soranus, and Sentius were not to be punished, they at least ought not to be paraded before Vespasian (Tac. Hist. 4.7.2).

68 C. Paccius Africanus

Tac. *Hist.* 4.41.3.

Benario 1959: 496–8; Chilver 1985: 54; Eck 1970: 90, 124; Gallivan 1974: 294, 304; Griffin 1984: 180; Heubner 1976: 99; Jones 1979: 130; Rudich 1993: 200; Syme 1991b: 525.

PIR² P 14; RE 18².2064–5 = Paccius 11 (Hofmann); AE 49.84; 49.76; 51.206; 59.69b; 60.187; 68.551; 71.485; CIL 4.1544; 10.8260 = ILS 5051; IRT 342.

C. Paccius Africanus was born in the middle of Tiberius' reign, probably no earlier than 27, since he was consul *suffectus* in 67 (found in office 6 July, so Gallivan 1974: 294 [cf. 304 for the question of dating Paccius' consulship; cf. CIL 4.1544]); he will have risen through the ranks starting soon after Messalina's fall. His first office was *decemvir ad hastam* (a judicial office); he then went on probably to hold the quaestorship, and gave games (probably at Terracina) in honor of *Honos et Virtus* (Benario, citing CIL 10.8260). The only mention in the literary sources of Paccius is in Tac. *Hist.* 4.41.3, where he appears as one of the *delatores* from the reign of Nero, punished when the senate forced its fellow members to swear on oath that they had done no harm to one another under that emperor. Upon taking the oath, he was charged with perjury and attacked with particular relish, since he had pointed out the brothers Scribonii, famous for their wealth, to Nero for destruction. He was cowed into silence, daring neither to confess nor to admit his actions. One of his more obnoxious and persistent interrogators in the senate was Vibius Crispus, and Paccius turned against him and implicated him as an accomplice in the fall of the Scribonii. He was forcibly ejected from the Curia. Nonetheless, Paccius' career was not over yet – far from it; in 77/8 he was proconsul of Africa (see Eck 1970: 90 esp. n. 77 for the pertinent evidence; Gallivan 1974: 304). Consequently, despite the violence visited on Paccius in 70, he maintained his status as a senator and, indeed, must stand alongside those such as Epruius Marcellus and Vibius Crispus who acted as *delatores* under Nero but went on to hold important administrative posts under the Flavians. He went on in Africa to become *patronus municipii*, Benario notes probably of Hippo Regius (citing AE 49.76). He likely died at Terracina, where he was buried (CIL 8.7019). He is tentatively identified with C. Paccius in the RE entry, an identification now confirmed by the epigraphic record (see Benario 1959: 496).

69 Paetus

Tac. *Ann.* 13.23.2–4.

Köstermann 1967: 279; Oost 1958: 135; Rudich 1993: 20–1.

PIR² P 60; RE 18².2283 = Paetus 1 (Stein).

Tacitus knew him as one who was infamous for profiteering by purchasing debts owed to the treasury on speculation and then collecting the debt from the debtor. He was probably mentioned as notorious for such activity in other sources (see Tacitus' comment that he was "notorious for bringing up suits before the treasury," *exercendis apud aerarium sectionibus famosus*, Ann. 13.23.2). In 55 he inexplicably charged Burrus and Pallas with plotting a palace *coup*, with the intent of putting Cornelius Sulla (who had been Claudius' son-in-law) on the throne in place of Nero, a case Paetus lost (see above, p. 111). Oost conjectures that Paetus' accusation was connected with Pallas' activities as a *rationibus*, since the action was connected with the *aerarium*, over which Pallas will have had charge. As for Burrus, there is the possibility that Paetus was taking advantage of his weak position, possibly diminished by Junia Silana's recent accusation against him (see Iturius and Calvisius). There is nothing, however, which plausibly connects Pallas, Burrus, and Sulla to any plot whatsoever. Paetus had apparently kept records of forgotten debts owed to the treasury (it is not past thinking for the purpose of blackmail [cf. Suet. Aug. 32.2]), and these were burned upon his condemnation.

70 M. Palfurius Sura

Juv. 4.53–5; Suet. Dom. 13.1; Dio 68.1.2(?); *schol. ad Juv.* 4.53; cf. 4.53 (Valla).

Crook 1955: 176; Jones 1992: 103–4, 181; Talbert 1984: 29.

PIR² P 68; RE 18³.97–8 = Palfurius 2 (Hanslik); CIL 5.8112, 64(?).

The son of the consular (P.?) Palfurius (see PIR² P 67), who was *suffectus* with Seneca in 55, he appears to have been in the senate in the reign of Nero, but expelled from it by Vespasian. Whether this was in any way related to his transferring his interests to the Stoic sect is difficult to say (*schol. ad Juv.* 4.53; cf. Dio 68.1.2). Suetonius indicates that Sura was in exile when Domitian came to power, but that he had already established his reputation as a star orator. In the Capitoline competition the year of Domitian's accession, all present begged Domitian to restore Sura, who, according to Juvenal's scholiast, had won the crown in previous competitions. The opinion of the audience that Sura was a good entertainer is also supported by Juvenal's scholiast (4.53), who says that he was accomplished both in eloquence and in poetry (*praevaleret et eloquentia et artis poeticae gloria*); we may be more circumspect concerning the assertion that he wrestled in a competition with a maiden from Sparta during the reign of Nero – that is just the sort of malicious attack one finds in the scholiast (cf. Baebius Massa's *vita*). Sura was eventually restored and became a part of Domitian's inner circle; he is present at the council in Juv. 4, where he denounces the turbot (Juv. 4.53–5). The scholiast adds that Sura abused his

intimacy with Domitian to practice delation in a most harsh manner (*abusus familiaritate Domitiani acerbissime partes delationis exercuit*), though we have no indication of specific cases in which he was involved. He was tried by the senate (*senatu accusante*) and executed in the frenzy of accusations that gripped Rome after Domitian's death (see below, p. 305–6).

71 Petillius Rufus

See Opsius for all pertinent primary and secondary bibliography.

PIR² P 262; RE 19¹.1150 = Petillius 9 (Swoboda).

Virtually nothing is known of Petillius' family background; the orthography of his name (Petilius or Petillius) varies (Petillius is recorded on a consular diploma, and attested in other sources as well). He was involved in the entrapment of Titius Sabinus in 27, by which time he had already held the praetorship (see above, pp. 144–5). In the case of Sabinus, he played the part of witness; what his ultimate fate was must remain unknown, although Tacitus intimates that he, along with his fellow conspirators, each received their just rewards in turn. When Petillius met his fate is uncertain, but perhaps sometime under Gaius (although his destruction in the wake of Sejanus' death should not be ruled out). He is perhaps most famous as the father of Q. Petillius Cerealis Caesius Rufus, who played an active and prominent role early on in the Flavian government (see PIR² P 261), although there is no indication that our Petillius ever reached the consulship. The grandson of Petillius Rufus did; Q. Petillius Rufus (son of Q. Petillius Cerealis Caesius Rufus) was consul *ordinarius* with Domitian in 83. If Petillius the Domitianic consul was still living when Tacitus wrote his *Annales*, the prosecution of Sabinus and his grandfather's role in it may have proved an embarrassing detail. Moreover, the Petillii were friendly with the Caesars, and Q. Petillius Rufus' father (the son of our Petillius) was consul with Epruius Marcellus in 74.

72 L. Pinarius Natta

Sen. *Dial.* 6.1.2; *Ep.* 122.11; Tac. *Ann.* 4.34.2; Juv. 8.96(?).

See Satrius Secundus; also see Demougin 1992: 261; Levick 1976a: 164.

PIR² P 40; RE 20².1401–2 = Pinarius 17 (Stein); CIL 10.1129 = ILS 2698; cf. CIL 5.275 (suppl.).

Little is known about Natta outside of the case of Cremutius Cordus (PIR² C 1565). Demougin tentatively identifies him as the Pinarius Natta in CIL 10.1129. That would suit the character in Tacitus. It appears that the Pinarius in that inscription was from a *municipium* and had followed a normal career

path; he had served as military tribune in the third legion in Egypt and there had been appointed praefect of the district of Bernicis. He also served as aedile, as one of the *duoviri*, and quaestor. If he was indeed a *municipalis*, Sejanus, also a *municipalis*, might have had some sympathy in helping to advance his career. Whether his family is to be identified with the old and noble one mentioned by Cicero (see e.g. *Div.* 2.47) is doubtful, for Tacitus would surely have mentioned it had Natta besmirched his status and ancestry (cf. Mam. Aemilius Scaurus' *vita*). Tacitus calls him Sejanus' client, and he was one of the accusers, along with Satrius Secundus, in the case against Cremutius Cordus in 25 (see above, pp. 95–6). He is recalled for a witticism by Seneca (*Ep.* 122.11). He may have been the father of the consul of 83; hence the family possibly continued to flourish despite the connection with Sejanus.

73 M. Plancius Varus

Tac. *Hist.* 2.63.1.

Chilver 1979: 225–6; Eck 1970: 40, 231, 248; Halfmann 1979: no. 80; Heubner 1968: 232; Houston 1972: 173–80; Jameson 1965: 56–8; Jones 1979: 75, 131; C. P. Jones 1973: 691; 1976: 231–7; Mitchell 1974: 29–34; Syme 1958: 509; 1979b: 789; Talbert 1984: 506.

PIR² P 443; RE 20².2015–16 = Plancius 5 (Hoffmann); SEG 88.1397.

A great deal is known concerning Plancius' career. The numismatic and epigraphic record documenting his life and family is considerable (see the *PIR* entry for the extended references), and Plancius himself has received relatively generous attention by scholars. Nonetheless, the dating of individual offices is problematic (for the best summation see C. P. Jones 1973; 1976: 234; Jones 1979: 131: he was *Xvir stlit.*; quaestor *pro pr. Pon.-Bith.*; *tr. pl.*; praetor; *leg. pro pr. provinc. Achaiae*; *leg. pro pr. provinc. Asiae*; *procos. Pont. Bith.*). Much of what is said concerning Plancius in *RE* is now known to be incorrect – there is no evidence, for example, that he ever held the consulship (Gallivan's research has revealed no such office), and there is no evidence in the relatively large body of epigraphic and numismatic material that he was ever proconsul of Asia. He had already held the praetorship in 69 when he undertook the accusation of Cornelius Dolabella (Tac. *Hist.* 2.63.1; *PIR*² C 1347; Chilver 1979: 157–8); this was particularly reprehensible since he was an intimate of Dolabella's. Plancius charged him before Flavius Sabinus, Vespasian's brother who was the city praefect. The charge was that he had broken out of custody in a bid for the leadership of the defeated Othonians, and Plancius added that he had tried to bribe a cohort at Ostia for support. There were, however, no grounds for his accusation. The damage had been done though, and Plancius soon repented, albeit belatedly, of his charge and sought forgiveness. Sabinus tried to have the charge overturned in light of Plancius' repentance, but to no avail: Vitellius

purportedly hated Dolabella for marrying his ex-wife, Petronia, and Triaria, L. Vitellius' wife, added her veto against clemency. Dolabella was executed. Houston conjectures (1972: 177 n. 44) that the Vitellians may have forced Varus to undertake the prosecution, since he and Dolabella were close friends, and Tacitus squarely puts the blame on Vitellius' party. Varus regretted his involvement and might have decided then and there to withdraw to his holdings in Asia Minor, worried about the consequences of his complicity with Vitellius' court. He may well have assisted in helping the Flavians upon retirement to the East (Houston 1972: 178–9). It is well attested that Plancius came from an Italian family from Pamphylia (from Perge) and always had a close (and prominent) connection with the various provinces of Asia Minor: he was e.g. *ktistes* at Perge, where as quaestor he may have built the theater (EA 27 1996: 116–19); he was also a patron of Nicaea (see SEG 78.1025); and he is likely the founder of the Varian Games (*certamina Variana*) at Perge (see AE 65.208). Both M. Plancius Varus and his son, C. Plancius Varus, were honored by Perge along with the mythic founders of the city. He was a member of the *decemviri stl(itibus) iud(icandis)*, *q(uaestor) pro pr(aetor) provinciae Ponti et Bithyniae*, *tribunus plebis*, and praetor (AE 71.463 = 73.534; cf. possibly EA 27 1996: 116–19). He was also a *legatus (proconsulum) pro praetore provinciarum Achiae et Asiae* (AE 71.463 = 73.534; SEG 32.650 = AE 73.539; cf. C. P. Jones 1973: 691) either before 67 or around 74. He was proconsul of Bithynia-Pontus under Vespasian, though when is by no means certain, but not, it appears, before 70/1 (see Eck 1970: 231; cf. IGRR 3.37), and perhaps not until later in Vespasian's reign (see Mitchell 1974: 28–9). It is not established that Plancius ever held a proconsulship of Asia. It is now generally agreed that the SC *Plancianum* does not belong to our Plancius Varus but to C. Julius Plancius Varus Cornutus (Syme 1979b: 788). His daughter went on to become wife of C. Julius Alexander (see RE 10.150–3 = Iulius Alexander 57 [Groag]; also see EA 11 1988: 133). He may have had the Temple of Diana Planciana on the Quirinal built, but this is debated (see C. P. Jones 1976: 235–6). He had property in Pisidia, Galatia (see Mitchell 1974: 29–34), and throughout Anatolian; as such, the connections of Plancius' family to the province will have made him a valuable resource in the Roman administration of this area, and help to explain Plancius' rise to prominence under Nero (so Mitchell 1974: 38). There is no record of his having reached the consulate (and he served as praetorian proconsul in Bithynia-Pontus, where he seems to have had an extended tenure in office, see Jones 1979: 75; Talbert 1984: 506 dates his tenure to sometime between 70 and 79, since our records of the governors of Bithynia-Pontus at this time are bare; cf. Eck 1982: 281–302; see also 1970: 231, where he argues for a date after 71 for his governorship of the province). A glance at the provincial *fasti* puts the best date at between 72 and 75, if the command was an extended one. The numismatic record is frequently cited as evidence for the date of his proconsulship, since coinage minted in honor of Vespasian could have been issued upon his accession, or upon his death (see Mitchell 1974: 29;

Jameson 1965: 56–8), but attempts to date his proconsulship based on this body of evidence have proven inconclusive.

74 Polydeukes

Jos. *AJ* 19.13; cf. Suet. *Claud.* 9.1.

Levick 1990: 28.

*PIR*² P 562; *RE* 21¹.1604 = Polydeukes 3 (Lambertz).

He is known only from Josephus, who states that he was one of Claudius' slaves who dared to try to prosecute him during the reign of Gaius; he arraigned Claudius on a capital charge and was hoping to put Claudius to death – but Josephus says nothing more specific than this, and states that his accusation was ultimately unsuccessful. Suetonius tells us that Claudius was constantly harassed by all manner of accusations by strangers and members of the imperial household alike, Polydeukes apparently among them.

75 M. Pompeius Silvanus Stabirius Flavinus[?]

Jos. *AJ* 20.14; Tac. *Hist.* 2.86.3; 3.50.2; 4.47; *Ann.* 13.52; Front. *Aq.* 102; Juv. 4.109–10.

Braund 1996: 259–60; Chilver 1979: 247–8; Courtney 1980: 221; Eck 1970: 91 n. 88, 112, 142–3; 1972: 259–75; 1982: 284–5; Ferguson 1979: 168; Gallivan 1978: 424; Goetz 1978: 35–40; Griffin 1984: 117, 252 n. 89; Heubner 1972: 126–7; B. Jones 1973: 81; 1979: 17, 37, 39, 115; 1984a: 90, 135; 1992: 55–6, 135, 164, 181; Köstermann 1967: 336–7; Nicols 1978: 140–1; Pflaum 1978: 297–300; Sherwin-White 1966: 161; Syme 1958: 70 n. 10, 448, 450 n. 2, 593; 1991a: 226, 424; Talbert 1984: 465, 481, 505, 509; Vogel-Weidemann 1982: 160–5.

*PIR*² P 654; *RE* suppl. 9.862 = Pompeius (Thomasson); *AE* 46.124; 48.17; 52.168; 68.549; 74.274; 90.173; *CIL* 3.9938; 4.2560; 8.11006.

Pompeius' full name is known from *AE* 68.549, and his birth is generally put at around AD 3 in light of his first consulship in 45 (see Goetz 1978: 38). He was one of the first men from his province of Gallia Narbonensis to enter the senate, probably adlected by Tiberius (see Goetz 1978: 38–9 for his adlection and a discussion of his early career in general). It is not agreed what his career had been prior to his praetorship, but afterward we have a clearer picture. He was consul *suffectus* together with Antonius Rufus in 45 between 28 June and 3 October (cf. *AE* 48.17; 74.274; 90.173; *CIL* 8.11006), and was proconsul of Africa from 53/4–55/6 (*CIL* 8.11006; *AE* 48.17; 68.549, which calls him

proconsul III), an exceptionally long period of time; AE 48.17 and 68.549 also preserve the name of his *propraetorian* legate, Q. Cassius Gratus. In 58, when he was accused before Nero (on what charge is unknown, but probably provincial maladministration, Tac. *Ann.* 13.52.2), he was already an old man who was, nonetheless, still destined to outlive his accusers and maintain his influence into Domitian's regime; Nero acquitted him. In 69, he was *legatus Augusti pro praetore* for the province of Dalmatia (CIL 3.9938 = ILS 5951; Tac. *Hist.* 2.86.3, where he is called a rich old man); Chilver (1979: 247–8) conjectures that while he may have been appointed by Galba, it is more than likely that his appointment had already come under Nero. Eck (1972: 267 n. 28) conjectures (based on AE 52.168) that he will have been in charge of recruitment for two legions, perhaps in between his *proconsulship* of Africa and his appointment in Dalmatia. He joined the Flavian cause in 69, although his leadership was lackluster, and in the hands primarily of Annius Bassus, the *legionary* legate (Tac. *Hist.* 3.50.2). In the next year, he was in charge of repairing the state's financial situation and was ordered by the senate to raise 60,000,000 sesterces in loans from private individuals (*Hist.* 4.47.1). He was also in charge of aqueducts (*curator aquarum*) from 71 until 73, and in 76 was consul *suffectus* for a second time with L. Tampus Flavianus (cf. AE 68.7). Eck argues, I believe rightly, that he is again heard from in Domitian's council in Juv. 4.109 (though he is not included in Crook's 1955 survey). That he acted as a *delator* under Domitian is indicated by two lines in Juv. 4.109–10, where Juvenal refers to him as “Pompeius [who could] open throats at a slight whisper” (*Pompeius tenui iugulos aperire susurro*). What specific cases he was involved in is unknown; Ferguson (1979: 168) does not take Pompeius Silvanus as an option, but argues that the Pompeius is either Cn. Pompeius Collega (legate of Cappadocia in 75) or M. Larcus Magnus Pompeius Silo, consul *suffectus* in 82 or 83. The latest date for the satire's dramatic setting is 85 (since Fuscus, who is present in the satire, set out for Moesia in the next year and perished), but there is no reason for it to be earlier by several years, hence our Pompeius' appearance in the satire is unproblematic, besides which, he was a loyal Flavian and designated for a third consulship. Jones (1984: 135) puts him among the *amici* of Titus. Eck (1972: 272), Goetz (1978: 37), Jones (1992: 55–6), and PIR all identify him as the *delator* in Juvenal's satire and have strong arguments for doing so (e.g. Jones 1992: 135 notes Pompeius' experience as a military leader and provincial governor, something he had in common with others summoned to Domitian's *consilium* in Juvenal's satire), but lingering doubts must remain. The clear difficulty is that he dies before the alleged “terror” that commenced in 93, raising a serious question concerning his involvement in *delatio*, although he certainly could have been involved in prosecutions before then. A more difficult hurdle is Tacitus' silence concerning any involvement in delation by Pompeius. He appears to have been designated for a third consulship in 82 and to have died at about the same time. He was buried in Aurelate (AE 52.168; 79.399), his place of origin. He was a member of the *quindecimviri sacris*

faciundis already in 53, but probably before (see *CIL* 8.11006; *AE* 48.17; 52.168; 68.549). He was also *magister sodalium Augustalium Claudialium* (see *PIR* for references) in 64/5 and *sodalis Flavialis Titialis* (*AE* 52.168).

76 Q. Pomponius Secundus

Jos. *AJ* 19.263; *BJ* 2.205; *Tac. Ann.* 6.18.2; 13.43.3; *Dio* 59.29.5; 59.30.3.

Furneaux 1896: 617; Gallivan 1978: 407; Köstermann 1965: 282–3; Levick 1976a: 205; 1990: 60; Rogers 1935: 144–5; Rudich 1993: 26; Seager 1972: 232; Syme 1988: 146, 238; Talbert 1984: 189; Timpe 1960: 490.

*PIR*² P 757; *RE* 21².2349–50 = Pomponius 22 (Hanslik); *AE* 78.137; 84.228; *CIL* 6.2015; 6.20141.

Q. Pomponius was born sometime around AD 1, since he was consul *suffectus* in 41 with Cn. Sentius Saturninus (in May and June, see both *CIL* references); he may have been appointed by Gaius, for he was consul upon his death. He first enters history in 33, in the case of Considius Proculus and his sister, Sancia (see above, p. 98). For Tacitus, Pomponius is a typical *delator*; “of restless manner” (*moribus iniquis*), he was involved in more than one accusation under Tiberius (*haec et huiusce modi a se factitari*). Tacitus says that Pomponius used as a pretext for his accusations the protection of his brother, [P. Calv?]isius Sabinus Pomponius Secundus (*PIR*² P 754), who had incurred Tiberius’ displeasure (see *Tac. Ann.* 5.8). The prosecution may have been a vendetta on the part of Pomponius for Considius’ attempt to destroy his brother (so Seager 1972: 232). Under Gaius he was noted for the basest of flattery, kissing the emperor’s feet at a banquet (so *Dio* 59.29.5). His sycophancy may have been duly rewarded, for he is next heard from in 41, during his *suffect* consulship, when he appears as a vigorous opponent against the accession of Claudius during a senate meeting on the Capitoline. His colleague, Sentius Saturninus, supported his opposition, and the two went so far as to take over command of three cohorts and declare war on Claudius. It is probably for his actions then that Suillius Rufus (*q.v.*) undertook his prosecution against him, a prosecution so harsh (*acerbitate accusationis*), that it was one of the accusations against Suillius in 58 that Suillius’ accusation had driven Pomponius into the arms of Camillus Scribonianus (*ad necessitatem belli civilis detrusum*) in his rebellion against Claudius (*Tac. Ann.* 13.43.3); the end result was surely Pomponius’ destruction. What made the accusation particularly reprehensible was that Suillius was Pomponius’ half-brother. He came from a prominent and well-placed family, and his opposition to Claudius does not seem to have hindered its later advancement (though Pomponius Secundus himself appears to have suffered a *damnatio memoriae*, hence apparent erasure of his name on *CIL* 6.2015); already in 44 his younger brother was promoted to the consulship, and later was legate of Germania

Superior. His son, C. Pomponius Pius, was consul *suffectus* in 65 (see *PIR*² P 745).

77 M. Porcius Cato

Tac. *Ann.* 4.68.2; 4.71.1; Front. *Aq.* 102.

For bibliography see Opsius; in addition see Syme 1986: 222.

*PIR*² P 856; *RE* 22¹.218–19 = Porcius 33 (Hanslik); *CIL* 14.4535.

Virtually nothing is known concerning Cato's family background or Cato's own life before 27, when he was one of the notorious *delatores* who entrapped Titius Sabinus; he had already been praetor. Tacitus states that he was aiming for the consulship, though Cato had an eight-year wait, becoming consul *suffectus* in 36. At some point (when is uncertain), he acted as legate in Achaia (*CIA* 3.1.651, 871), and was *curator aquarum* either for one month or for four months (Front. *Aq.* 102) in 38 (see Syme 1986: 222 n. 22 for the problem of the length of Cato's tenure as a *curator*). The text registering Cato as a *curator* indicates that he came to grief in the second half of the year. Tacitus (*Ann.* 4.71.1) almost certainly recorded Cato's end somewhere in the lost portion of his history; his demise was likely related to the persecution of one of the friends of Agrippina, the deceased mother of the now reigning princeps who later exacted his retribution. He left a daughter, Porcia, a cousin of Gellius Rutilius Lupus (*CIA* 3.871).

78 Protogenes

Dio 59.26.1 (cf. Suet. *Cal.* 28); 60.4.5; Juv. 3.120.

Barrett 1989: 85, 158–9; Hurley 1993: 117–18.

*PIR*² P 1017; *RE* 23¹.980 = Protogenes 1 (Hanslik).

Of Greek origin, Protogenes was one of the emperor Gaius' freedmen. He was involved in the fall of Scribonius Proculus (*PIR*¹ S 215), who is otherwise unknown. He is portrayed in Dio as a very cruel and sinister character, and Dio states that he assisted Gaius in all his harshest measures (see above, p. 104). Dio says that he had Scribonius Proculus killed in the senate in 40 with merely a glance; upon cue a group of senators fell upon Proculus and killed him on the spot – though, as Barrett cogently argues, it was likely part of a prearranged plot that needs to be set in the context of Gaius' deteriorating relationship with the senate. In 41, one of Claudius' first acts was to execute Protogenes and to destroy publicly the notorious books he carried with him. That his ill-repute may have been proverbial is indicated by Juv. 3.120 (see Diphilus' *vita* for discussion).

79 Publicius Certus

Plin. *Ep.* 9.13.

Corbier 1974: 111–15; Jones 1979: 116; 1992: 181; Rogers 1960: 20; Sherwin-White 1966: 491–9; Syme 1958: 77–8; 1991b: 481, 490, 565, 579, 622; Talbert 1984: 252, 272, 476.

PIR² P 1040; RE 23².1903–4 = Publicius 32 (Schuster).

On his origins (from Aquileia) see Syme (1991b: 622). Nothing is known of Publicius Certus' activities as a *delator* other than that he was involved in the prosecution of Helvidius Priscus the Younger and that he had taken a particularly violent part in it (see above, p. 134). If he was not involved in the actual prosecution he was certainly involved in some active way in Helvidius' downfall, otherwise the request by Arria (PIR² A 1114), Thrasea Paetus' widow, and Fannia, wife of Helvidius Priscus the Elder, for "at least a censor's mark, if punishment for a clear instance of wrongdoing were remitted" (9.13.16), would make little sense. Certus was praefect of the treasury (*praefectus aerarii Saturni*) late in Domitian's reign (from 96 until the end of 97, when he vacated it in the normal manner, see Sherwin-White 1966: 76); he appears to have reached office through imperial patronage (Plin. *Ep.* 9.13.23), and his advancement could have been a result of prosecution, but this is mere speculation. He had also been praetor, again probably under Domitian. That Certus was a man of some influence whose power was considerable is indicated not only by the fact that he was praefect of the treasury, but by how methodical and cautious Pliny is (to read his own words) in planning his attack against Certus. When Pliny began his attack (sometime in the second half of 97, see Sherwin-White 1966: 492, who notes that the charge under which Pliny sought to prosecute Certus is far from clear), he was shouted down in the house; powerful friends of consular rank warned Pliny to desist lest he find himself in danger under future emperors. Their concern is further indication of Certus' power – Certus could expect to go unscathed for some time, a *delator* too powerful and highly placed to attack safely, as one friend admonished Pliny (9.13.11). Certus indeed had some potent defenders to shield him, including Domitius Apollonaris, the consul elect, and Fabricius Veiento (*q.v.*). Others, including Avidius Quietus (a consular) and Cornutus Tertullus (Pliny's colleague as *praefectus aerarii Saturni*) joined Pliny's attack. Cornutus, in fact, spoke on behalf of Arria and Fannia, and the two women urged that Certus not be tried for any crime, but that he at least be punished with a censor's mark (Plin. *Ep.* 9.13.15–16). Pliny says that his speech against Certus – no part of which he cites since it appears to have been published and circulating in his day – changed the minds of even Certus' defense. When Veiento attempted to reply to Pliny's accusation, the senate erupted in uproar and was dismissed amidst confusion. Certus died soon after in 98. Syme (1991b: 490) argues that Certus was on his way to the consulship

when Pliny undertook his attack: Bittius Proculus, Certus' colleague, spoke in his defense, and was designated for the consulship lost by Certus; Pliny in fact gained Certus' place in the *aerarium*, and this eventually took Pliny himself to the consulship (Syme 1991b: 565). There does not appear to have been any formal condemnation, and Certus was simply forbidden to hold the consulship for which he had been designated; he died soon after this incident (*Ep.* 9.13.23–4).

80 Romanus

Tac. *Ann.* 14.65.

Furneaux 1907: 314; Köstermann 1968: 156–7; Rogers 1955: 206; Rudich 1993: 75–6.

PIR² R 80; RE 2.1¹.1064–5 = Romanus 1 (Stein).

The identity of Romanus is nebulous to say the least. He is generally not identified with Fabius Romanus (*q.v.*), one of Lucan's intimates who turned accuser. Nipperdy (cited by Furneaux 1907: 314) identified him with Ti. Claudius Romanus, one of Claudius' freedmen attested to in the epigraphic record, and Rogers (1955: 206) also identifies him as an imperial freedman based on his proximity in Tacitus' text to two other freedmen, Pallas and Doryphorus. He is implausibly depicted in Tacitus as arousing suspicions against Piso by accusing Seneca of being an ally of Piso's through secret incriminations (see above, pp. 166–7). Nothing more is known of Romanus outside of this accusation.

81 Romanus Hispo

Sen. *Contr.* 1.1.10; 1.2.6, 16; 1.3.6; 1.6.9; 1.7.6, 12; 1.8.3; 2.1.15; 2.2.2, 7; 2.3.18, 21; 2.4.5, 9; 2.5.5, 20; 2.6.13; 4.6; 7.2.13; 7.4, 10; 7.5.9; 7.6.21; 7.7.12, 14; 7.8.11; 9.1.11, 15; 9.2.4; 9.3.11; 10.1.13; 10.5.19, 23; Quint. *Inst.* 6.3.100; Tac. *Ann.* 1.74; Juv. 2.50(?).

For bibliography on Hispo see Caepio Crispinus; also see Badian 1973: 77–85; Syme 1970: 71–3.

PIR² R 81; RE 2.1¹.1063–4 = Romanus 1 (Gerth).

Syme postulated a Gallic origin for Hispo based on the epigraphic record (see 1970: 71–3 for citations), a conjecture which has received support from Badian, who has suggested Ravenna as Hispo's native city (1973: 80). For the variant in the orthography (Romanus or Romanus) see Syme (1970: 71–2). Juvenal (2.50) uses the name to describe a distasteful character, a reference that has

been understood as an attack against the contemporary consular (and possible descendant) of Hispo (concerning whom see Caepio's *vita*) if not actually a reference to Tacitus' Hispo (and Juvenal had promised to attack only the dead, Juv. 1.170–1). All of this, however, must remain in the realm of conjecture. Firmer ground for Hispo's activities is found in Tacitus and Seneca the Elder. Hispo was Caepio's assistant (*subscribente Romano Hispone*) in his prosecution of Granius Marcellus (see above, pp. 67–8). It was Hispo's charge of *impietas* which roused Tiberius' ire and ultimately caused him to dismiss the case (Tac. Ann. 1.74). No more is heard of Hispo in Tacitus, although Seneca the Elder cites him frequently for his skill as a declaimer. As such, he was known for a style (not surprisingly) which was composed "spitefully and in the manner of an accuser" (*maligne et accusatorie*, *Contr.* 2.5.20), or which could be violent and harsh (*vehementi colore usus est et duro*), qualities Seneca mentions more than once in connection with Hispo (see e.g. *Contr.* 2.4.9), whose oratory he described as harsh (*durus*) and rather severe (*asperior*, cf. *Contr.* 7.2.13; 9.1.11; 9.3.11). Hispo was known for following a very rough path of speaking (*asperiores dicendi viam*), and preferred the side of the prosecution in declamation rather than the defense. Seneca duly noted the "combateness befitting an accuser" (*accusatoria pugnacitas*) in his declamations, a quality of his Seneca alludes to several times (see *Contr.* 1.2.16; cf. 1.3.6; 1.6.9). He was apparently notorious as the only individual Seneca the Elder knew who would declaim a defense on behalf of Popilius, Cicero's executioner, and that in a style Seneca described as rather rough (*asperior*, *Contr.* 7.2.13). In addition, some felt he made an unfortunate use of neologisms (*Contr.* 7.5.9; 7.6.21). Weighted in the balance, however, was Hispo's brilliant use of metaphor (*Contr.* 10.5.23), as well as his sense of wit (*Contr.* 1.1.10, although this could at times be repugnant, [see e.g. *Contr.* 1.7.6] if not mean-spirited [see e.g. *Contr.* 2.2.7; 10.1.13]), and skillful use of vulgarisms (*Contr.* 2.3.21). His clever turns of phrase (*sententiae*) were generally admired by Seneca, and were useful in undermining his opponent's case or parrying their arguments (see e.g. *Contr.* 2.4.5). It is probably the same Hispo who, as the defendant in a trial, coined an insulting witticism commended by Quintilian (*Inst.* 6.3.100). The details of the case in which Hispo made his remark are unknown; all Quintilian tells us is that Hispo was faced with "rather severe charges" (*atrociora crimina*). For Hispo's descendants see Caepio Crispinus.

82 Rufrius Crispinus[?]

Tac. Ann. 11.1.3; 11.4.5; 12.42.1–2; 13.45.4; 15.71.8; 16.17.1–2, 7; Suet. *Nero* 35.5; Plut. *Galba* 19; Dio 60.32.6a; 61.11.2.

Demougin 1992: 485–6; Griffin 1984: 68–9, 168; Köstermann 1967: 28–9, 34, 180–1, 326; 1968: 323–4, 367–8; Levick 1990: 57, 62–3, 65; Rudich 1993: 125, 148, 151, 268, 298; Syme 1958: 747.

PIR² R 169; RE 2.1¹.1201–2 = Rufrius 1 (Nagl); AE 92.483.

Crispinus is noted as an equestrian “of senatorial dignity” (*dignitate senatoria*) in Tac. Ann. 16.17.1. He was colleague with Lusius Geta as praetorian praefect in 47, when Claudius ordered him to arrest Valerius Asiaticus (Ann. 11.1.3), and he is heard from again that same year when Suillius indicts the brothers Petrae (both distinguished equestrians), before the senate (Ann. 11.4; see above, p. 109). Now, there is a difficulty in categorizing Crispinus as a *delator/accusator* in these cases; he is indeed voted cash rewards and honors in the wake of the fall of Valerius Asiaticus (PIR¹ V 25) and the two equestrians. Tacitus, however, presents the end result of both Asiaticus’ and the Petrae’s prosecutions as all of one piece, and it is far from clear for what Crispinus was rewarded. It is very likely, however, that Crispinus was rewarded for some sort of involvement in the wake of the destruction of the brothers, for as soon as Tacitus relates their demise, he immediately follows with the statement that Crispinus received the insignia of the praetor and 1,500,000 sesterces (11.4.5). The only thing we know of Crispinus’ involvement in the case of Asiaticus is that he was sent to arrest him at Baiae. A reward simply for the arrest would be an unusual honor, and it is more likely that he was simply involved in some capacity with Suillius in the Petrae’s prosecution and remunerated accordingly. Poppaea’s destruction soon followed. In 51, Crispinus and Geta were both removed from their command and replaced by Sex. Afranius Burrus; Tacitus says that Crispinus’ removal was the result of his loyalty to Messalina’s children, which was a concern for Agrippina (Ann. 12.42.1–2; cf. Dio 60.32.6). Crispinus’ loyalty to Messalina is indicated by the fact that both he and Geta were temporarily replaced as commanders by Narcissus on the day Messalina was denounced, arrested, and executed. At some point – it is uncertain when or why – Crispinus was honored with *consularia insignia* (Tac. Ann. 16.17.2). In light of this honor, Syme argued that Tacitus was probably in error assigning the *insignia praetoria* to Crispinus; there would be no need for one already adlected to the senate and now at the rank of praetorian praefect to be bestowed with *insignia praetoria*. But this presents no difficulty. As Köstermann notes (1968: 367), Tiberius had given Sejanus the *insignia praetoria* after he was praetorian praefect (Dio 57.19.7; cf. 58.12.7). After Poppaea Sabina the Elder’s destruction in 47, he married her daughter, also named Poppaea Sabina (later Nero’s mistress), and had a son with her (whom Nero later had murdered, Suet. Nero 35.5), but divorced her in 58 after Otho seduced (and soon married) her (Tac. Ann. 13.45.4; Dio 61.11.2). He was banished in 65 in the wake of the Pisonian conspiracy; Tacitus says, however, that this was a mere pretext, and that it was actually because Nero begrudged him his marriage to Poppaea (Tac. Ann. 15.71.8). He was exiled to Sardinia on a charge of conspiracy, and his enforced suicide followed not long afterwards (Ann. 16.17.2, 7).

83 Salienus Clemens

Tac. Ann. 15.73.4.

Köstermann 1968: 329–30; Rudich 1993: 125, 150.

PIR¹ S 52; RE 2.1².1874 = Salienus (Nagl).

Clemens is known only from one brief passage in Tacitus' *Annales*, where he accuses Seneca's brother, L. Junius Gallio Annaeus (PIR² I 757), in the senate after the Pisonian conspiracy (see above, p. 169). Nothing more is heard from or known concerning Clemens.

84 Sanquinius(?)

Tac. Ann. 6.7.1.

See Aruseius; also see Syme 1970: 73–4.

PIR¹ S 133; RE 2.1².2286 = Sanquinius 1 (Stein).

Involved in the same case as Aruseius (*q.v.*) in 31, he charged L. Arruntius before the senate. Even his name is uncertain: the name in the manuscript is Sangunnium (see Furneaux 1896: 602), but is emended in M to Sanquinium. Syme (1970: 73–4) believes the emendation is suspect ("That name occurred in fact two chapters earlier, 'Sanquinius Maximus e consularibus' [citing Tac. Ann. 6.5.3]: the correction might not be right"). It is possible that he was in some way related to one of the three Sanquinius known to us from this period (see Syme 1970: 73–4), but anything further about Sanquinius is irretrievable.

85 Sariolenus Vocula

Tac. Hist. 4.41.2.

PIR¹ S 143; AE 79.116.

Nothing is known of Vocula's background or career prior to Nero, except that he was of senatorial status. Tacitus says that he was infamous for his prosecutions under Nero and that he had indulged in the same activity under Vitellius, but we never hear of any specific cases. He was one of the *delatores* (along with Nonius Attianus and Cestius Severus [*q.v.*]) who, upon the oath being administered to the senate and to individual senators swearing that they had not profited or accepted office as the result of the destruction of any citizen, gave himself away as a result of his hesitation in taking the oath and his attempt to change its wording. Vocula was punished for perjury, and was severely censured, since he had been a notorious prosecutor under Nero (*crebris apud*

Neronem delationibus famosos). Senatorial opinion was violently disposed against Vocula, and he was menacingly driven from the House. We hear nothing more of Vocula.

86 Satrius Secundus

Sen. *Dial.* 6.1.2; 6.22.4; Tac. *Ann.* 4.34.2; 6.8.10; 6.47.2; Dio 57.24.2–4.

Bauman 1967: 268–71; 1974: 31 n. 42, 99–103, 131–2; Köstermann 1965: 118, 354; Levick 1976a: 193–4; Marsh 1931: 275, 292–3; Rogers 1935: 86–7; Seager 1972: 194–5; Woodman and Martin 1989: 178.

PIR¹ S 151; RE 2.2¹.191 = Satrius 4 (Stein); for possible family connections see CIL 9.2125 (Q. Satrius Secundus); cf. CIL 9.3091–2 (C. Satrius Secundus).

Satrius was Sejanus' client (Tac. *Ann.* 4.34.2; cf. 6.8.10; 6.47.2), and, like Sejanus, Satrius himself appears to have been from one of Italy's *municipia*, with two inscriptions (CIL 9.3091–2, both grave markers) showing his connections with Sulmo. He was one of the accusers (along with Pinarius Natta) who indicted Cremutius Cordus in 25 (for the case, see above, pp. 95–6). Satrius' relationship with Sejanus may have been particularly close: the speech of M. Terentius, one of Sejanus' allies, indicates that Satrius controlled access to Sejanus ("We were even paying homage to Satrius and Pomponius," *etiam Satrium atque Pomponium venerabamur*, Tac. *Ann.* 6.8.10), though in the end he may have denounced Sejanus' conspiracy, a detail which comes out in the case of Albucilla ("Albucilla, notorious for numerous amorous liaisons, who was once married to Satrius Secundus, the betrayer of the conspiracy [*coniurationis indice*], was accused of impiety against the emperor," *Ann.* 6.47.2). By 37, Satrius was probably dead, although Bauman (1974: 132) argues that Satrius was very much alive when the case of Albucilla, charged with adultery in that year, came up:

"Cui matrimonium fuerat" is generally thought to mean that Satrius had died, but in the context of an adultery charge it is much easier to suppose that he had divorced Albucilla in order to exercise his preferential right of accusation against her. The activities of the school for defamation and adultery had come to Satrius' notice, and he had passed on the information concerning the defamatory attacks to the authorities and had then divorced Albucilla and instituted an *accusatio adulterii* against her.

Contra Bauman, Satrius' close involvement with Sejanus speaks against his survival this late in Tiberius' regime; if Satrius did survive, nothing is heard of him after 37. His wife, Albucilla, was charged that year with adultery and attempted suicide only to die in prison (see above, pp. 101–2).

87 C. Sempronius Gracchus

Tac. Ann. 4.13.3–4; 6.16.5; 6.38.4.

Bauman 1967: 198; Gelzer 1969: 144, 150; Köstermann 1965: 73–4, 279, 333; Rogers 1935: 71–2, 156; Seager 1972: 169, 237; Syme 1970: 66; Talbert 1984: 50, 472; Woodman and Martin 1989: 135.

PIR¹ S 266; RE 2.2².1374 = Sempronius 42(?), 43(?) (Groag).

Born ca. 2 BC (based on the date of his praetorship and his father's exile) to a noble family (see Tac. Ann. 1.53.4), he was the son of the C. Sempronius Gracchus (see RE 2.2².1427–8 = Sempronius 58 [Groag]) infamous for his adultery with Julia, Augustus' daughter (for his punishment see Bauman 1967: 198). His son, our Gracchus, grew up in exile with his father on the isle of Cercina, and, according to Tacitus, besmirched his name by turning to trade for a living (Ann. 4.13.4). He must have been involved in the campaign against Tacfarinas, for he was accused (and acquitted) in 23 of trafficking in goods with the enemy (Ann. 4.13.3). Whether he was involved in collusion in association with his commercial ventures or whether as an official is uncertain; the swift intercession of L. Apronius and Aelius Lamia, who had both governed the province, saved him. Tacitus attributes the prosecution, in part, to his ill-starred fame as the son of Julia's adulterer. There is no reason, contra the PIR entry, to dismiss completely the possibility that he is to be identified as the praetor mentioned in Tacitus under the year 33; he certainly would have been the right age. If he is the same individual, then he was in charge of presiding over a rash of informants who were targeting those enriching themselves through usury (see above, pp. 78–9); the cases were so numerous that he was forced to refer the matter to the senate. He is next found accusing Granius Marcius (PIR² G 212), a senator, of *maiestas* in 35 (Ann. 6.38.4). Groag identifies the praetor and the accuser as two different individuals (hence the two RE entries above), arguing that the accuser was the praetor *peregrinus* in 37 (see Groag's RE article for discussion). However, we tentatively identify the son of Julia's adulterer as both the praetor and the *delator*. Tacitus gives Gracchus a lengthy introduction, the subsequent mention of the same name in Tacitus receives no further explanation (thereby making it more probable that he is the same character), his age fits, and a prosecution for *maiestas* suits entirely a character out to redeem the past error of his family by proving his loyalty to the court. What the nature of Granius' offense was to merit prosecution for *maiestas* is unknown, and he committed suicide before the case ended. Nothing more is heard from Gracchus.

88 Servilius (Tuscus?)

Sen. Suas. 2.22(?); Tac. Ann. 6.29.4–7; Suet. Tib. 61.3; Dio 58.24.4.

See Cornelius (Crispus?) for bibliography.

For his involvement in the case of Scaurus, his attack against Varius Ligurus, and his downfall see above, p. 100 (and cf. Cornelius [Crispus?]). It is either Servilius or Cornelius who is to be identified with Tuscus. Tacitus specifically mentions these two accusers against Scaurus, and Seneca also notes Tuscus' involvement; he writes as well that Tuscus had literary pretensions: he is noted as a historian in Seneca, but (regrettably) one of no talent (*historicum fatuum*), committing the unforgivable error of attributing Caesar's famous phrase, *veni, vidi, vici* to another individual. Tuscus is most certainly not to be identified as one of the accusers of Scaurus in 32 (so Köstermann), since Seneca specifically states that Tuscus was involved in the accusation "in which the family of the Scauri became extinct," *in quo Scaurorum familia extincta est*, which would mean his prosecution in 34, not 32. Of Servilius and his family nothing more is known.

89 (L.?) Sextius Pacionianus

Tac. Ann. 6.3.4–5; 6.4.1; 6.39.1.

Bauman 1974: 130; Köstermann 1965: 245–6; Marsh 1931: 202; Rogers 1935: 130, 157; Seager 1972: 225.

PIR¹ S 475; RE 2.2².2050–1 = Sextius 34 (Fluss).

His praenomen is inferred from the *fasti fratres Arvales*; he was praetor in 32 (Tac. 6.3.4), and possibly praetor *peregrinus* in 26. He was Sejanus' client and a typical *delator*: "bold, wicked, prying into everyone's secrets" (*audacem, maleficum, omnium secreta rimantem*). No specific case can be attributed to him, but he was pressed into service to encompass Gaius' fall at the later stage of Sejanus' career, for which he was denounced in 32, Tiberius sending letters in evidence to the senate to demand action. The senate, for its part, was ready to implement the supreme penalty, and would have, had not Sextius turned *index* (Ann. 6.3.5). His target was the hated Lucanius Latiaris (*q.v.*), and the sight of Sextius attacking Latiaris made for a good show (Ann. 6.4.1). Nonetheless, Sextius was consigned to prison. A man of literary pretensions, he continued to ply his trade in prison, writing verses against Tiberius until he was finally executed, strangled in his cell towards the end of 35 (Ann. 6.39.1). Rogers (1935: 157) argues a charge of *maiestas*, but Bauman is probably correct that it was more likely a charge of libel (1974: 130). There is no indication of any formal trial in his case.

90 Ti. Catius Silius Italicus

Mart. 7.63; 8.66; Plin. Ep. 3.7; Tac. Hist. 3.65.2.

Ahl, Davis, and Pomeroy 1986: 2492–561; Eck 1970: 53, 83, 124; 1982: 299; Gallivan 1974: 292; Griffin 1984: 153–5; Heubner 1972: 158; Jones 1979: 143; 1992: 121; McCrum and Woodhead 1961: 4; Magie 1950: 2.1582; Rudich 1993: 208, 314, 319; Sherwin-White 1966: 227–9; Syme 1958: 88–9, 176, 594; 1991b: 483, 526–7, 572, 638, 640; Talbert 1984: 70; Wellesley 1972: 162.

PIR¹ C 474; RE 2.3.79–91 = Silius 17 (Klotz); CIL 6.1984.

CIL 6.1984 gives his full name as Ti. Catus Silius Italicus. His life has been treated extensively elsewhere (for the most recent general discussion see Ahl, Davis, and Pomeroy 1986), and here only his involvement in accusations under Nero and his political career need be treated. His career will have commenced under Claudius, probably in the middle or early 40s, since he was consul in 68 with Galerius Trachalus (Plin. *Ep.* 3.7.9–10; Mart. 7.63; 8.66), by which time he was already a famous orator, active in the centumviral court (Mart. 7.63); it is unlikely, but not impossible, that the consulship was a reward for turning *delator*. Pliny's tentative remarks concerning his activities as an accuser, however, do little to elucidate Silius' career as such. All Pliny says is that "He had damaged his reputation under Nero (he was believed to have accused of his own accord)," *Laeserat famam suam sub Nerone (credebatur sponte accusasse)* (*Ep.* 3.7.3; voluntary accusation, recall, met with particular criticism in Montanus' attack against Aquilius Regulus, *q.v.*). He was involved in the negotiations between the Vitellian and Flavian factions in December of 69 and was an asset to Vitellius' administration (*Hist.* 3.7.3). Under Vespasian, he was proconsul of Asia in 77/8 (see Eck 1982: 299; see PIR for the numismatic evidence for Italicus' tenure there); his capable administration in Asia may have redeemed his reputation, and there is no hint of prosecutions afterwards. If he was involved in delation under Nero, it does not appear to have damaged his career, as his advancement under Vespasian illustrates – and as his popularity, as attested in Pliny's letter, shows. His rehabilitation is perhaps best illustrated by Tacitus, who makes no mention of Silius' actions as a *delator* in his introduction of him as a negotiator between the Flavians and Vitellians in the *Historiae*. His influence waned under Domitian (he may not have even maintained his role as senator, see Jones 1979: 143), and he spent the rest of his years in retirement (for which see Talbert 1984: 70), giving himself to his writing, and dying around 101 (see Pliny). For the references to his ability as a poet, his patronage of other literati, and his admiration of Virgil, see the PIR entry and Pliny's letter.

91 Sosibius

Tac. *Ann.* 11.1.2; 11.4.6; Dio 60.32.5–6.

Köstermann 1967: 27, 34; Levick 1990: 62.

PIR¹ S 552; RE 2.3.1152 = Sosibios 6 (Stein).

A tutor of Claudius' son, Britannicus, and most likely an imperial freedman, he was a partner of Suillius Rufus' in the accusation against Valerius Asiaticus in 47 (see above, pp. 106–9). He did not long survive the ascendancy of Agrippina, who had him executed in 51 on the pretext of plotting against Nero (so Dio); the real reason was surely – as was the case with Narcissus – his connection with and presumed loyalty to Nero's rival, Britannicus.

92 P. Suillius Rufus

Ovid *Pont.* 4.8; Plin. *Nat.* 7.39; Quint. *Inst.* 6.3.78; Tac. *Ann.* 4.31.5–6; 11.1–2, 4–6; 13.42–3; cf. Dio 61.10.1–6; Dig. 38.4.1; Just. *Inst.* 3.8.3.

Baldwin 1964: 46–7; Barrett 1996: 75, 180; Crook 1955: 185; Demougin 1992: 365; Eck 1975: 342 n. 120; Ehrhardt 1978: 64; Gallivan 1978: 410, 414, 419; Griffin 1984: 53–4, 60; Köstermann 1965: 110–11; 1967: 33, 35–7, 316–22; Levick 1976a: 164, 197; 1990: 56, 60, 64; McAlindon 1957: 282; Martin 1981: 136, 145, 168; Mommsen 1887: 23.568 n. 3; Rogers 1979: 109; Rogers 1935: 83–4; Rudich 1993: 26–8, 267–8; Smallwood 1967: 6; Syme 1958: 329, 332; 1978: 89–90; 1979b: 806–9, 811–14; Talbert 1984: 177, 232–3, 261, 440, 508; Vogel-Weidemann 1982: 387–97; Walker 1960: 223–4; Wiseman 1982: 64–5 esp. n. 81.

*PIR*¹ S 700; *RE* 2.4¹.719–22 = Suillius 4 (Fluss); *AE* 73.152; *CIL* 6.24729.

Suillius was the son of Vistilia (who had six husbands), and was the half-brother of Domitius Corbulo, Pomponius Secundus, and Caesonia, wife of the emperor Gaius (Plin. *Nat.* 7.39). He first appears in Ovid *Pont.* 4.8; he was a young man, just married to Perilla, Ovid's stepdaughter (*Pont.* 4.8.11–12), and had written a letter to Ovid, promising that he would assist as best he could in restoring the exiled poet. Ovid remarks Suillius' early devotion to Germanicus (*Pont.* 4.8.23) and asks him to exploit the relationship on his behalf. Suillius was apparently to deliver Ovid's poem to Germanicus himself, and Suillius is the initial addressee. At some point he was Germanicus' quaestor, though whether while Germanicus was consul or while he held *imperium* in one of his commands is unknown; he is heard from nowhere in the tumultuous events of 19–20. In 24, he was banished from Italy for judicial corruption (Tac. *Ann.* 4.31.5), and Tiberius' opinion, that Suillius deserved banishment for such an offense, while unpopular at the time, prevailed. He did not return until 41 (see Eck 1975: 342). Ironically, when found guilty of a similar charge under Claudius (in 47), the mood of the senate was decidedly against Suillius, but by then he was too powerful to remove. It is uncertain when Suillius was restored from exile, but it was probably not long after Gaius' succession. He was consul *suffectus* with Ostorius Scapula (Plin. *Nat.* 7.39; Just. *Inst.* 3.8.3; Dig. 38.4.1). The precise date of his consulship was long uncertain, but Gallivan has recently argued persuasively for the last two months of 41 (see the two *AE* entries and Gallivan 1978: 414 and esp. 419

citing AE 49.250, 73.152). At one point after his restoration (again, the date is uncertain), Suillius faced the famous orator Galerius Trachalus as an opponent in court; Quintilian could recall Trachalus getting the better of Suillius in a witty repartee in which he reminded him of his former exile (*Inst.* 6.3.78), which is virtually the only information we have about the case. In 43, he prosecuted Julia, daughter of Tiberius' son Drusus and Germanicus' sister Livilla (see above, p. 148). By 47, he was one of the most powerful members of Claudius' court and an *amicus principis* (cf. Tac. *Ann.* 4.31.6). In that year he was put up by Messalina, along with Britannicus' tutor Sosibius (*q.v.*), to accuse Valerius Asiaticus (see above, p. 106). Suillius next prosecuted the brothers Petrae (see above, p. 109). It is perhaps a strange omission on Tacitus' part that, while he mentions the large sums Sosibius and Crispinus received for their role in prosecuting and punishing Asiaticus, nothing is mentioned for Suillius. Tacitus says that Suillius continued conducting prosecutions with unremitting cruelty in 47, and that he had "many rivals of his rashness." In that same year, Suillius provoked a scandal when he was defending Samius, a distinguished equestrian (see above, pp. 43–4). It may have been in 52/3 that he was proconsul of Asia, although the date is far from certain (see Köstermann 1967: 320). Nothing more is heard from Suillius until Seneca's move against him which resulted in his exile in 58, although Tacitus indicates that he continued to be powerful under Nero (Tac. *Ann.* 13.42.1); nonetheless, as Barrett notes (1996: 180), he appears to have observed the terms of the *lex Cincia*. No mention, at any rate, is made of his violation of the *lex* by his accusers in 58, when the personal grudge between Suillius and Seneca came to a head (see above, pp. 111–13 for his prosecution and exile). Upon his condemnation, only half his goods were confiscated, the rest allowed to go to his son and granddaughter, and they kept as well their inheritance from their mother and grandmother. Suillius spent an apparently comfortable exile in the Balearic isles. Soon after his banishment, accusers tried to exploit his unpopularity by prosecuting his son, M. Suillius Nerullinus, for *repetundae*, but Nero ordered a swift halt (Tac. *Ann.* 13.43.7); Nerullinus went on to prosper under the Flavians, going on to become proconsul of Asia under Vespasian (see Rogers 1979: 109; *PIR*¹ S 699). His other son, Suillius Caesoninus (*PIR*¹ S 698), was involved in the conspiracy of Messalina and Silius in 48, from which he emerged unscathed; Tacitus says he was protected by his vices, but the position of his father is a more likely explanation.

93 Sulcius

For bibliography see Caprius.

*PIR*¹ S 701; RE 2.4¹.724 = Sulcius (Stein).

Nothing more is known of Sulcius outside of Horace. He is paired with Caprius (*q.v.*), the only discernible difference between the two being that Sulcius was singled out as one who was fierce (*acer*). Whether Horace is referring to his personality or his oratory is hard to say, but it is probably to both, since he was noted along with Caprius as one who was “unpleasantly harsh sounding” (*male rauci*).

94 Tarquitius Priscus

Tac. Ann. 12.59; 14.46.1.

Barrett 1996: 136–7; Bauman 1974: 65; Crook 1955: 185; Köstermann 1967: 209–11; 1968: 113; Levick 1990: 211 n. 24; Premierstein 1932: 193–5.

PIR¹ T 20; RE 2.4².2394–5 = Tarquitius 9 (Fluss); CIL 15.2355(?).

Tarquitius Priscus was just starting out on his career in 53, having returned (we may presume recently) from a stint in Africa as Statilius Taurus’ (PIR¹ S 618) legate (probably in 51–2). In that year he charged Taurus with *repetundae* and *magicae superstitiones* (which were possibly the primary charge), though he lost his case and may have lost his senatorial rank, though this is far from certain (see above, pp. 109–10 for the whole case). What could tell against Tarquitius’ loss of senatorial rank at this time is his own trial in 61, in which he was accused of *repetundae* during his praetorship in Bithynia. Given that the trial is in 61, he must have been praetor (since Bithynia was a praetorian province) at least the year before, although given the generally lengthy interval between an office in the city and a governing post in the provinces, he more likely held the office relatively soon after his prosecution of Statilius, possibly in 54 or 55 after Agrippina had consolidated her power and wielded no small influence (though the possibility remains that he was praetor before 54/5); but as legate to Statilius he will likely have been a young man, and probably had not yet been praetor at the time of the prosecution. It has been suggested recently that Tarquitius was a defender of Herod Agrippa or Agrippa II in 53 (see Barrett 1996: 136–7 citing Premierstein 1932: 18; cf. the *vitae* of Isidorus and Lampo), which suggests that Agrippina might have chosen Tarquitius as one whose legal dexterity had already been proven. The last we hear of Tarquitius is in 61, when he was accused by the provincials of Bithynia of *repetundae*, and condemned, “to the great delight of the senators,” *magno patrum gaudio* (Tac. Ann. 14.46.1)

95 C. Terentius Tullius Geminus

Tac. Ann. 14.50.1; [Pal. Anth. 6.260; 7.73; 9.288; 414; 707; 740?].

Bauman 1974: 32–3; Gallivan 1978: 408; Köstermann 1968: 120; Rudich 1993: 59; Smallwood 1967: 110–12; Syme 1991b: 537 n. 107.

PIR¹ T 73; 273; (274?); RE 2.7².1312–13 = Tullius 35 (Groag); CIL 6.36850 (cf. Dio 60.27.1); SEG 23.329; 62.294.

Since Terentius Tullius Geminus is found as consul *suffectus* in 46 (together with M. Junius Silanus from at least 1 October until 7 December [Gallivan 1978: 408]), his career will have commenced under Tiberius. (Syme 1991b: 537 n. 107 is unnecessarily tentative in his identification of Geminus the *accusator* with Geminus the consular.) It was probably afterwards that he served as legate of Moesia under Claudius, and a letter of his is quoted in the *Horthesia Laberiou Maximou* (see Smallwood 1967: 112). His career as a *delator*, as far as we know, did not start until the reign of Nero in 62, when he was the first *accusator* (possibly) to take advantage of the reintroduction of the *maiestas* law in light of Antistius Sosianus' (*q.v.*) condemnation (see above, pp. 114–15). Nothing more is heard from Geminus afterwards, but, inasmuch as he was consul already in 46, he may not have survived to see Veiento's return after Nero. It is by no means certain whether he is the same Tullius Geminus found in the Palatine Anthology.

96 Timidius

Jos. AJ 19.33–4; Dio 59.26.4.

Barrett 1989: 158.

PIR¹ T 158; RE 2.6¹.1256 = Timidius (Stein).

Timidius is unknown outside of Josephus; in 40 he accused a senator named Pompeditus (in Josephus) or Pomponius (so Dio 59.26.4; accepted by Barrett 1989: 158, whom I follow here). It appears that Pomponius was a consular, for Josephus says that he had held all offices of state. Josephus says that Timidius accused him of libel (presumably – Josephus simply states he was charged with “abusive speech” [*loidoria*]); Dio, who does not mention Timidius and merely says Pomponius was accused by a friend, says that Pomponius actually had plotted against the emperor Gaius (see above, pp. 163–4). Timidius called Quintilia, an actress and Pomponius' mistress, as a witness. Quintilia refused to answer his questions, claiming the charge against Pomponius was false and she balked at giving evidence against her lover; Timidius called for torture, which Quintilia bravely endured. Josephus states that there clearly was a conspiracy about which Quintilia knew, but her endurance under torture saved herself and Pomponius (Jos. AJ 19.36). Nothing more is known of Timidius.

97 Vacerra[?]

Mart. 11.66; 11.77; 12.32.

Nothing is known of Vacerra outside of Martial, and his status as a *delator* is highly suspect, since his identity as such is based solely on Martial's invective (11.66, see above, pp. 13–14 for discussion). Martial paints Vacerra as a low character and attacks him in two other poems; it is, therefore, very likely that Martial's calling him a *delator* is little more than a rhetorical flourish. However, Martial's depiction of Vacerra in his poems as a lowborn hanger-on who fished for dinner invitations and tried to live life "on-the-cheap," at the very least, conforms to the stereotype of the lowborn *delator*. If there is any truth to Martial's depiction (something dubious at best), then the fact that Vacerra plied his trade under Nerva (see Mart. 11.2.6) need cause us no problems, since *delatores* remained active into his reign.

98 L. Valerius Catullus Messalinus

Front. *Aq.* 102; Plin. *Ep.* 4.22.5–6; Tac. *Agr.* 45.1; Juv. 4.113–22; Aur. *Vict. Epit.* 12.5; *schol. ad Juv.* 4.113–22; cf. 4.113–22 (Valla).

Crook 1955: 49; Eck 1970: 57, 62 n. 38, 64; Ferguson 1979: 168–9; Gallivan 1981: 188; Goetz 1978: 57–8; Jones 1973: 81–2; 1979: 4–5, 37, 49, 119; 1984a: 136; 1992: 19, 28, 57; McCrum and Woodhead 1961: 5, 8; Martin 1981: 33; Sherwin-White 1966: 298, 300; Syme 1958: 594, 637–8; 1991b: 494–5, 640 n. 34.

*PIR*¹ V 41; *RE* 2.7².2411 = Valerius 127 (Hanslik); *CIL* 5.7239.

Valerius Catullus Messalinus (also Messallinus, for the orthographical variation see Plin. *Ep.* 4.22.5) was the son of Valerius Catullus (concerning whom see Suet. *Cal.* 36.1; *PIR*¹ V 35) and Statilia Messallina, Nero's third wife (and possibly the sister of Statilius Taurus Corvinus, consul of 45, see Catullus Messalinus' *PIR* entry); there might have been a not-so-distant family connection with the notorious *delator* Romanus Hispo (see Syme 1991b: 494). He was very likely from a patrician family (Eck 1970: 64, based on the similar status of those who were consul *ordinarius* under the Flavians); Syme conjectures an origin from a Veronese family (1991b: 495, 640 n. 34). He was consul *ordinarius* in 73 with Domitian, and it is not certain whether he vacated his office when Domitian did (Gallivan 1981: 188 citing Suet. *Dom.* 13); it was, however, an exceptional honor, since of the twenty-four ordinary consulships held between 70 and 81, all but six were held by Vespasian and his sons (Jones 1973: 81). Well established under Vespasian, he will have likely been of service to Titus as well (Jones 1984a: 136). In 85, he held a second consulship, though whether *suffectus* or *ordinarius* is subject to debate; Jones (1973: 82 [following Syme 1958: 637–8]) argues for *ordinarius* with Aurelius Fulvus as colleague, while Eck (1970: 57) argues for *suffectus*. Up until August of 93, he does not appear to have been responsible for any accusations in the senate, but he did play a role in Domitian's *consilium* (Tac. *Agr.* 45.1; cf. *schol. ad Juv.* 4.113, who

calls him one of Domitian's *familiares*). Despite his looming influence, no governorship of any province is known, nor does any clue come down to us concerning specific victims under Domitian, only that he played a role behind the scenes until 93, after which his involvement was more open. One of the most powerful and influential of the Domitianic *delatores*, he was the subject of a famous and telling anecdote in Pliny: when a conversation at dinner turned to Catullus, the emperor Nerva asked his dinner companions where he would have been, were he still living: "He would be dining with us" (*Nobiscum cenaret*), replied Junius Mauricus, in testament to what would have been Catullus' abiding power. The remark took courage – Nerva had also been among Domitian's favorites along with Catullus (Jones 1979: 4–5). In that same letter, Pliny attests to Catullus' cruelty, exacerbated, he alleged, by his blindness. Pliny's letter also makes it clear that he was dead by the time of Nerva's succession. Catullus is consistently characterized as a particularly vicious and noxious character – hence Juvenal (4.113–16) refers to him as "deadly" (*mortifer*), a "henchman inspiring terror" (*dirus satelles*), and makes merciless fun of his blindness, while Victor calls him "outstanding as a false accuser" (*calumniator praecipuus*). The Juvenal passage satirizing Catullus is noteworthy for another reason; it is full of language reminiscent of the poet Catullus (see Ferguson 1979: 169; cf. Syme 1991b: 495, 640 n. 34). When one takes both Catullus' name and his possible Veronese origin into consideration along with this passage, it is tempting to deduce a familial connection with the famed poet. In a more ironic vein, Sherwin-White (1966: 298) points out the later connection between the family of Messalinus, and that of Helvidius Priscus and Thrasea Paetus (citing L. Valerius Helvidius Publicola [PIR¹ V 59] and L. Valerius Messala Thrasea Priscus [PIR¹ V 95], consul *ordinarius* in 196).

99 Valerius Largus

Dio 53.23.6–53.24; cf. Suet. *Gram.* 16; Suet. *Aug.* 66.2.

Daly 1979: 289–311; Raaflaub and Samons 1990: 423–5; Syme 1939: 309.

PIR¹ V 66; RE 2.8¹.51 = Valerius 216 (Helm).

Was Valerius Largus a *delator*? Dio's depiction of him certainly indicates that he made himself unpopular as an accuser. He appears in the prosecution against Cornelius Gallus (PIR² C 1369) in 26 BC (Dio 53.23.6). The charges Valerius brought up are obscure, but Dio says Cornelius indulged in gossip disrespectful to Augustus, inscribed his own deeds on the pyramids, and had images of himself erected all over Egypt. Valerius' accusation was one in which he exploited his personal intimacy with Gallus in order to bring up his charge. That Valerius' case against Gallus was strong is perhaps indicated by the senatorial support given to Valerius; Dio, at any rate, tells us that Gallus was abandoned, in part, because Largus had grown too powerful to resist. The

accusation in the senate, however, may not have helped Valerius' reputation. Dio (53.24) relates an anecdote attesting to his unpopularity afterwards: a certain Proculeius, on meeting Valerius, clapped his hand over his nose and mouth, "showing to those with him that it was not safe even to breathe when he was present." If that is not sufficient to consign Valerius to the genus *delatorum*, Dio relates yet another tale: a stranger unknown to Valerius approached him one day with witnesses and asked Largus if he knew him; when Valerius replied that he did not, he recorded his denial on a tablet, so that Valerius could not blackmail him later. No more is heard of Valerius after this case.

100 Valerius Ponticus[?]

Tac. *Ann.* 14.41.2–3.

Furneaux 1907: 284–5; Garnsey 1970: 27; Kelly 1957: 72; Köstermann 1968: 104–5; Talbert 1984: 467.

PIR¹ V 111; RE 2.8¹.176 = Valerius 295 (Hanslik).

In 61, Valerius Ponticus tried to bring a case of *falsum* up before the praetor (i.e. a *quaestio de falsis* before one of the *quaestiones perpetuae*) instead of the urban praefect (as was customary for lesser charges at this time [see Kelly 1957: 72]). Strictly speaking, what Valerius was doing was apparently legal since the jurisdiction of the *quaestio de falsis* was in the hands of the praetor, but then he was found to have colluded with the defense and was tried before the senate. He was expelled from Italy in 61 for his crime, and his actions prompted a *senatus consultum*, that any involved in collusion – either the buyer or seller – would be condemned for *calumnia*. Nothing more is known of Ponticus.

101 Vatinius

Mart. 10.3.4; 14.96; Tac. *Dial.* 11.2; *Hist.* 1.37.5; *Ann.* 15.34.2–3; *Juv.* 5.46–7; Dio 63.15; *schol. ad Juv.* 5.46; 5.46 (Valla).

Braund 1996: 285; Courtney 1980: 237; Köstermann 1968: 225–6; Kragelund 1987: 197–202; Rudich 1993: 81, 283; Syme 1958: 356 n. 2; Talbert 1984: 92.

PIR¹ V 208; RE 2.8¹.520 = Vatinius 4 (Gundel).

In the *Annales* (15.34.3), Tacitus is quite frank in depicting Vatinius as one of the basest of Nero's courtiers (*inter foedissima eius aulae ostenta*); according to Tacitus, he was a cobbler (cf. Mart. 14.96), physically deformed (the scholiast says he had an unusually large nose), and of scurrilous wit, who initially became a member of Nero's court only so that he could be the butt of contemptuous

jokes (*sutrinae tabernae alumnus, corpore detorto, facetiis scurrilibus; primo in contumelias adsumptus*). Soon, however, he gained a great deal of influence, and embarked on a career of denouncing his betters; indeed, Vatinius grew so influential, rich, and dangerous through his sheer power to do harm (*vi nocendi*), that even the wicked (*malos*) of Nero's court feared him. He is noted in Tacitus' *Historiae* (1.37.5) for his rapacity. His open hatred for those of senatorial rank is attested by his (rather free) remark to Nero (Dio 63.15.1): *miso se, Kaisar, hoti sunkleitikos ei* ("I hate you, Caesar, because you are a senator"). He first enters history in 63 when he gives a gladiatorial contest at Beneventum (his place of origin, *schol. ad Juv.* 5.46) attended by Nero. His power, however, was not long-lived, being broken under mysterious circumstances sometime during Nero's tenure: it appears that Curiatius Maternus (Tac. *Dial.* 11.2) gave a reading of one of his tragedies, and this precipitated Vatinius' fall – something which, to hear it from Maternus himself, first made a name for him. Vatinius was also known as the inventor of a special drinking cup with four nozzles; the cup was called a *calix Vatinii*, named because it supposedly resembled Vatinius' massive (and deformed) nose (see *schol. ad Juv.* 5.46; Mart. 14.96).

102 Q. Veranius

Tac. *Ann.* 2.56.4–5; 2.74; 3.10.2; 3.13.1–3; 3.17.4; 4.21.

Furneaux 1896: 352; Goodyear 1981: 365–6; Gordon 1952; Köstermann 1963: 360; 1965: 93; Levick 1976a: 141, 156; Rogers 1935: 79; Seager 1972: 190–1; Syme 1958: 325 n. 7; 1970: 55–6; 1979a: 333–5; 1986: 376; Talbert 1984: 346, 365, 404; Woodman and Martin 1989: 152–3; 1996: 129, 153–5.

PIR¹ V 265; RE 2.8¹.937–8 = Veranius 2 (Gordon).

The name itself as it comes down to us in Tacitus' text is problematic: Lipsius at *Ann.* 4.21 read Granius, although Veranius is, with one exception, the scholarly consensus (see Syme 1970: 55–6; Woodman and Martin 1989: 152; Köstermann 1965: 93; Fisher's edition retains Granius). Veranius is first heard of when he accompanies Germanicus to the East. In 18, when Cappadocia was reduced to a province, Q. Veranius was made its *legatus* for a brief time, perhaps, as Goodyear notes (1981: 366), only to make initial arrangements in its transformation from a client kingdom to a province governed by an equestrian procurator. By 19, he is surely with Germanicus in Syria, and, to judge from his later actions, may well have been one of the *amici* urged to vengeance by the dying prince (Tac. *Ann.* 2.71). Both Veranius and Vitellius were the first to accuse Cn. Calpurnius Piso and they unsuccessfully intervened to prevent the notorious Fulcinius Trio's (*q.v.*) involvement in the case. Tacitus notes the particular zeal with which the three main accusers, Veranius included, acted; Veranius and Vitellius may have had personal as well as partisan motives, since some members of Germanicus' retinue had endured personal slights from Piso's staff (*Ann.* 3.13.3). At the end

of Piso's trial Tiberius awarded Veranius and Piso's other accusers priesthoods. He appears next (and for the last time) in Tacitus' *Annales* (4.21) in a more sinister light (at least as Tacitus portrays it), when he accused L. Calpurnius Piso (brother of Germanicus' alleged murderer [PIR² C 290]) of holding "secret, treasonable conversations against the princeps" (*secreti sermonis incusavit adversum maiestatem habiti*) in 24. Poisoning and homicide were thrown in for good measure but not accepted; a simple charge of *maiestas* was finally entered. Piso escaped the charge with a timely death, and the case was not pressed. The accusation – Tacitus' negative depiction of Veranius notwithstanding – was likely motivated by Veranius' continued devotion to Germanicus' family, and Veranius was arguably doing his part to carry out the vendetta enjoined on him at Germanicus' deathbed. This is made all the more likely by the relatively numerous prosecutions against Germanicus' family which, as Syme notes (1986: 376), followed his death. Veranius could have been attempting to get back at those persecuting Germanicus' friends and relatives. Syme further notes that Tacitus could be suppressing a case of *repetundae* which Veranius also had against Piso (note the vague phrase "many things were stacked up," *multa cumulabantur*), and cites as evidence the erasure of Piso's name (and his wife's) from an inscription on Samos (citing *Ath. Mitt.* 75 1960: 130 no. 30). Veranius' son of the same name (see PIR¹ V 266; Veranius' daughter was Verania Gemina [PIR¹ V 268], who went on to marry L. Calpurnius Piso Frugi Licinianus, Galba's short-lived heir) was consul *ordinarius* in 49 (*CIL* 6.31723) and a legate in Britain under Nero, where he died (*Tac. Ann.* 14.29.1; *Agr.* 14.3); the advancement of Q. Veranius the Younger may well attest to Claudius' continued gratitude to the Veranii for their loyalty to his family (see Syme 1958: 386, 391, 544).

103 Vibius Crispus

Plin. *Nat.* 19.4; Mart. 4.54.7(?); 12.36.9; Quint. *Inst.* 5.13.48; 8.5.15, 17, 19; 10.1.119; 12.10.11; Frontin. *Aq.* 102; Tac. *Dial.* 8; *Hist.* 2.10; 4.41–3; *Ann.* 14.28.3; Suet. *Dom.* 3.1; Juv. 4.81–93; Dio 65.2.3; *schol. ad Juv.* 4.81 (Valla); 4.94 (Valla).

Avonzo 1957: 91; Bosworth 1973: 70–8; Chilver 1979: 173–4; 1985: 54–5; Courtney 1980: 217; Crook 1955: 188; Eck 1970: 58–60, 91, 118, 130, 225–6 (esp. n. 477); 1982: 290; Equini 1967: 11; Ferguson 1979: 166; Gallivan 1974: 306–7; 1981: 210 n. 159; Goetz 1978: 32–5; Griffin 1984: 148; Griffith 1969: 138; Heubner 1976: 99; Jones 1979: 120–1; 1984a: 87–90; 1992: 50–1, 57–8, 164, 181, 208 n. 8; Köstermann 1968: 79–80; McCrum and Woodhead 1961: 6, 11; Martin 1981: 33, 62, 196; Rudich 1993: 185, 306–7; Sherwin-White 1966: 143; Stein 1927: 226, 302–3, 381; Syme 1956: 236–40; 1958: 4–5, 56, 88, 100, 187, 594; 1991b: 503, 506, 513 (cf. 518), 525, 529–30, 533, 540, 556; Talbert 1984: 271; Vogel-Weidemann 1975: 149–53.

PIR¹ V 379; RE 2.8².1968–70 = Vibius 28 (Hanslik); CIA 3.619; CIL 5.6660 (cf. 5.6711; 5.6590); 5.8927; 8.21195 (suppl.); cf. 8.5866; 9.4881; SEG 89.311.

We know Crispus' full name from the *fasti Ostienses*, L. Junius Vibius Crispus, although it is uncertain whether Crispus was adopted by a L. Junius or was polyonymous (see Equini 1967: 11). Tacitus in the *Dialogus* tells us of Vibius' origins and his influence. He was born at Vercellae, and rose through the ranks as a *novus homo* to become one of the most eloquent and wealthiest men of his age (valued at 300,000,000 sesterces according to M. Aper, and he may have become synonymous with wealth [see Mart. 4.54.7]). He was apparently of humble birth, and owed his remarkable rise to his ability as an orator, although his low birth and apparent disregard for the standards of Roman morality made him an object of derision. (So, too, did a possible physical infirmity according to Tacitus' *Dialogus* 8.3, although Tacitus' Latin makes it impossible for the reader to determine whether he refers to Eprius or Vibius: "Neither were noteworthy for their character – one was also despised for his physical condition," *neuter moribus egregius, alter habitu quoque corporis contemptus*). By the middle of Vespasian's reign Aper could state that Vibius had been one of the most powerful men in the city (*potentissimi civitatis*) for many years already, getting his start under Nero (not, as the scholiast to Juvenal 4.81 states, under Tiberius [who, according to the scholiast, praised Vibius for his skill as an orator – Vibius would have been far too young]). He is one of the more notorious Neronian *delatores*, and there is indication in Tacitus (due to his use of the plural *Crispum easdem accusationes*) that he acted as *delator* in more than one case; hence in Tac. *Hist.* 2.10, during Crispus' prosecution of Annius Faustus (*q.v.*), he is recalled as one "who used to accuse (*accusationes exercuisse*) under Nero." The result was that the senate did not unanimously condemn Faustus, since many recalled that Vibius had also prosecuted with an eye for profit (*cum praemio*) during Nero's tenure (see Talbert 1984: 271; Avonzo 1957: 91 for discussion). Crispus was involved in the downfall of the brothers Scribonii in 67 (see above, pp. 171–2), and helped to prosecute them with Paccius Africanus, who actually implicated Vibius Crispus when he himself was punished for the prosecution in 70 (Tac. *Hist.* 4.41.3; see above, p. 125). Syme (1991b: 513) argues that Vibius exploited this case in order to assist Verginius Rufus in his career, since Verginius subsequently succeeded to Germania Superior, replacing the Scribonii. The only other court action we have on record for Vibius under Nero is the use of his influence in rescuing his brother, L. Vibius Secundus (concerning whom see PIR² V 398), from a charge of *repetundae* in 60 by the provincials of Mauretania; he escaped with a relatively light sentence of banishment from Italy (Tac. *Ann.* 14.28.3). The date of Vibius' first consulship came in the same decade, but is much disputed: Borghesi long ago argued for an initial suffect consulship in 61, followed by his African proconsulship in 71/2 or 73/4 (a suggestion still supported by some; see e.g. Vogel-Weidemann 1975: 153). Gallivan (who has an excellent summary of this vexed question 1974: 306–7)

argues that if we accept Syme's date for Vibius Crispus' proconsulship in Africa as 72/3 (Syme 1956: 236), a date generally accepted by scholars (although contra see Bosworth 1973: 71), that this would mean he was consul no earlier than 62, but since all the consuls for that year are known, that is eliminated as an alternative. Crispus' predecessor in Africa was Q. Manlius Tarquitius Saturninus, who assumed the consulship in 63 and received his posting before Crispus; Crispus, therefore, argues Gallivan, must have been consul after Saturninus. Because the years 63 and 64 have vacancies for *suffecti* (September/October; November/December for 63, November/December 64), he concludes that Crispus must have been consul after August 63, but not later than November/December 64. Gallivan further notes that he may have been consul with Ti. Ant[on]ius, citing as evidence *tessera nummularia* (CIL1.776aa = RE 17.2.1433 no. 141), which records the following: *Albinus Sp. k. Iun. Ti. Antio/ Q. Vibio*. This inscription, however, is unreliable and has been generally discounted as evidence (see Gallivan 1974: 307 for discussion of the inscription). Bosworth (1973: 71) argues that, inasmuch as Crispus was already considered an old man (*senex*) by the time Vespasian came to power (he was then approaching 60), there is no reason that he could not have been consul for the first time in the 50s. He held the office of *curator aquarum* between 68 and 71, and was a participant in the civil strife that devastated the city in 69/70, during which he prosecuted Annius Faustus and enjoyed the company of the emperor Vitellius (Dio 65.2.3). In 70, he was embroiled in the spectacle of revenge in the senate, and emerged still powerful (see above, pp. 125–6). Tacitus attributes his survival to his power and talent, but there may have been still more to it than that: as Jones (1984a: 90) notes, Vibius Crispus' praenomen and nomen, 'L. Junius,' indicates a connection with Vespasian's brother-in-law, L. (Junius) Caesennius Paetus (PIR² C 174). He was at once put to good use by Vespasian, holding no fewer than three consular appointments under him (*curator aquarum*, consul *suffectus*, and *legatus* of Tarraconensis), and was soon sent as proconsul to Africa (Plin. *Nat.* 19.4), although the date is controversial; Jones (1984a: 87) argues for a date of 70/1, while Eck has most recently argued for 71/2 (see 1982: 290 with n. 30 for bibliography of the debate; cf. Eck 1970: 91, 118); a date of 72/3 is still accepted by other scholars (see Gallivan 1974: 306 n. 12). Syme argues that this followed closely a brief procuratorship in Tarraconensis in 72 (1991b: 529–30); Eck, on the other hand, argues for a later date, closer to the time of Vibius' second consulship in 74 (see Eck 1970: 130 n. 82, 225–6 n. 476–7). By 74/5 he had become an *amicus principis*, and was a member of Vespasian's inner circle (Tac. *Dial.* 8.3). The evidence of the *fasti Ostienses* confirms his second (suffect) consulship in March 74 (see Gallivan 1974: 306 for the rather extensive bibliography on this question; cf. Equini 1967: 11). Under Titus, Vibius saw no promotion, and he had to wait until Domitian for his third consulship; here again, the date is uncertain, but 82 or, more plausibly, 83 is likely (see Syme 1991b: 529–30; Gallivan 1981: 210 and n. 159). The honor was by all measures extraordinary: only Mucianus and

Fabricius Veiento were honored with a third consulship under the Flavians (Sherwin-White 1966: 143). He was one of Domitian's *amici* (despite a well-known witticism he directed against Domitian [Suet. *Dom.* 3.1]), and his place in the princeps' *consilium* is recalled by Juvenal (4.83–93; cf. the fragment of Statius' *de Bello Germanico* cited in *schol. ad Juv.* 4.94), where he is depicted as a timeserver who never went against the current. It may have been under Domitian that Vibius paid a visit (even retired, according to Syme 1991b: 540) to Athens, which made him an honorary citizen with the title *Marathonius*, and archon (citing AE 71.436); Syme conjectures that Vibius died there. Less plausible are some of the assertions Syme makes concerning the relationship of Vibius with certain of his contemporaries. E.g., the evidence Syme cites (1991b: 506 n. 80) to connect Pliny and Vibius is tenuous at best (citing CIL 5.5667, in which he notes that Pliny had been priest in the cult of the emperor Titus [*flamen divi Titi*] at Vercellae), nor is his evidence any more persuasive for making the case that Vibius was the mentor of the less famous but more powerful Attius Suburanus, who went on to become Trajan's praetorian praefect (Syme 1958: 56 citing Plin. *Pan.* 67.8; Dio 68.16.1; Aur. Vict. *Caes.* 13.9). Quintilian supports the picture of Crispus as one with a compliant and pleasant, if somewhat superficial personality, referring to Crispus as "a man of pleasant and elegant talent" (*vir ingenii iucundi et elegantis*, *Inst.* 5.13.48). Indeed, Crispus is frequently noted for his gentle wit and pleasant sense of humor throughout Quintilian's works (see 8.5.15, 17; 12.10.11 for the *iucunditas Crispi*). And there is Vibius' peculiar reaction as he stalks out of a rancorous senate with Eprius Marcellus, "Crispus smiling (*renidens*)" (Tac. *Hist.* 4.43.2). Quintilian may have known Vibius and certainly was familiar with his works. Indeed, Vibius is among the list of orators Quintilian recommends to his readers, rendering a judgment which gives further credence to Vibius as a pleasant personality, referring to his oratory as "created to delight" (*delectationi natus*, *Inst.* 10.1.119). In addition to being an accomplished orator, Vibius may himself have been a patron of aspiring literati – Martial, in a glance back to a better time when literary patrons flourished, names a certain Crispus among those willing to remunerate struggling poets (Mart. 12.36.9; Griffin 1984: 148). The scholiast to Juvenal 4.81 gives a biography of Vibius which is of dubious value at best: the scholiast's many errors include the assertion that he was the husband first of Nero's aunt, Domitia, then of Agrippina the Younger; the scholiast also attributes to him only two consulships and has him murdered "through the deceit (*per fraudem*) of Agrippina" – whom he leaves as heir. The scholiast is more on the mark when he relates Vibius' extreme wealth, his abiding friendship with the Caesars, and the honor bestowed upon him in the centumviral court (and notes that his statue stood in the Basilica Julia). Given Afer's and Regulus' presence at the centumviral court, the fact that Vibius was apparently esteemed a better orator in private than in public cases (Quint. *Inst.* 10.1.119), and his position as *amicus* of several *principes*, such an honor in the centumviral court is perfectly credible. More confused is Probus' *vita* of Vibius

(*ad schol.* 4.81), where even Crispus' nomen (Placentius) is mistaken (but where the tradition of abiding friendship with the Caesars is again attested). Probus says Vibius was an active orator under Claudius – not an absurd conjecture by any means; but he makes him out to have been an intimate of Tiberius' during a journey across the Alps, and has Vibius murdered, poisoned by his wife.

104 (C?) Vibius Serenus the Elder

Tac. *Ann.* 2.30.1; 4.13.2; 4.28–30; Dio 58.8.3(?).

For bibliography see Firmius Catus; also see Bauman 1974: 114, 120; Cloud 1989: 456; Garnsey 1970: 38; Levick 1976a: 163, 190; Marsh 1931: 170–1; Talbert 1984: 129, 171, 330, 467, 482; Woodman and Martin 1989: 135, 162–7.

*PIR*¹ V 399; *RE* 2.8².1983–4 = Vibius 54 (Hanslik).

While Vibius' name presents some minor difficulties, there is probably no need to doubt the praenomen (see Goodyear 1981: 274–5), nor is the variant reading of Livius (in M) any concern, and Vibius Serenus is read elsewhere with no difficulties. Vibius appears to have had a turbulent and rather sordid career. He is first heard of in the *divinatio* at the trial of Libo in 16, in which he won the *ius perorandi* (see above, pp. 158–60), though he was passed over in the rewards after Libo's death and condemnation (see above, p. 47). He should have been eligible for a portion of Libo's *bona*, although, as Rogers points out, the other reward of the *praetura extra ordinem* probably would not have applied to Vibius, who must have already held the praetorship since he was proconsul of *Hispania Ulterior* in 22 (indicating that he was at a somewhat advanced stage of his career). Why he was excluded from the monetary reward we do not know, but he complained of it to Tiberius afterwards in letters that were less than diplomatic. Tacitus says that in addition to complaints over lack of remuneration, "he added certain things in a more defiant manner than is safe for the ears of the proud to hear and more likely to give offense" (*addideratque quaedam contumacius quam tutum apud aures superbas et offensionis proniores*, *Ann.* 4.29.4). In the intervening years between the trial of Libo and his second trial (when he was prosecuted by his own son), his behavior was apparently offensive towards Tiberius in general (*Ann.* 4.29.4). His proconsulship in Spain was not a good one, and in the year following it (23) he was charged before the senate *de vi publica*, condemned "on account of the violence of his character" (*ob atrocitatem morum*) and deported to the island of Amorgus (*Ann.* 4.13.2). The charge *de vi publica* indicates that Vibius had used execution or force arbitrarily against Roman citizens in the province, while the sentence of *deportatio*, forbidding the defendant a choice in his place of exile, means that Vibius' offense may have been acute (see Woodman and Martin 1989: 135 citing Dio 56.27.2). The character and career of his son, (N.?) Vibius Serenus (*q.v.*) is inextricably linked with that of his father. A year after the elder Vibius' exile (24), he was

hauled back and accused by his son before the senate (see above, pp. 160–2). He is not heard from again, but it is entirely possible that it is Serenus to whom Dio alludes (58.8.3) in reference to Tiberius crushing an indictment Sejanus brought up in 31 (just before his fall) against “a man who had been chosen ten years before to govern Spain, and was now, thanks to the influence of Sejanus, being brought to trial.”

105 (N.?) Vibius Serenus the Younger

Tac. Ann. 4.28–30; 4.36.4–5.

Bauman 1974: 114, 120; Garnsey 1970: 38; Köstermann 1965: 103–9, 127; Levick 1976a: 163; Marsh 1931: 172; Rogers 1935: 81–3, 87–90; Seager 1972: 192–3; Talbert 1984: 197; Walker 1960: 103; Woodman and Martin 1989: 162–6, 185–6.

PIR¹ V 400; RE 2.8².1984 = Vibius 55 (Hanslik).

Vibius Serenus the Younger is notorious for the prosecution of his own father in 24 (see above, pp. 161–2; cf. below, p. 302). In the next year, 25, Serenus the Younger prosecuted Fonteius Capito (PIR² F 470), who had been proconsul of Asia (Tac. Ann. 4.36.4), but Capito was acquitted when it was found out that the charges (presumably of *repetundae* although Tacitus does not indicate precisely) were fictitious (*conperto ficta in eum crimina*). This did nothing to hinder Vibius' career, and Tacitus bitterly remarks that the public odium he incurred from this incident in fact made him more secure (Ann. 4.36.5). Vibius should have faced expulsion from the senate, the usual penalty for *calumnia* (cf. Firmius Catus); why he did not is unknown – but he may have been simply too important or powerful to be attacked. The impunity with which Vibius acted leads Tacitus to a more general remark, that it was only the lesser and lower born *delatores* who were subject to discipline (Ann. 4.36.5). Nothing more is heard of the younger Serenus after this episode.

106 L. Visellius Varro

Front. Aq. 102; Tac. Ann. 4.17.1; 4.19; *CodJ* 9.21; 9.31.1; Ulp. fr. 3.5.

Bauman 1974: 116–20; Köstermann 1965: 83, 86–8; Kunkel 1948: 53–4; Levick 1976a: 163; Marsh 1931: 169–72; Martin 1981: 135; Mommsen 1887: 3.424 n. 3, 786 n. 3; Rogers 1931a: 141–3; 1935: 75–8; 1952: 295–6; Seager 1972: 189–90; Shotter 1967: 712–16; Talbert 1984: 507; Walker 1960: 264; Woodman and Martin 1989: 144–8.

PIR¹ V 488; RE 2.9¹.360–1 = Visellius 7 (Hanslik); *CIL* 1.765; 6.1237; 10.6639.

L. Visellius Varro was the accuser of C. Silius A. Caecina Largus (*PIR*¹ S 507) in 24 and the son of C. Visellius Varro (see *PIR*¹ V 487; *RE* 2.9¹.360 = Visellius 6 [Hanslik]; Syme 1986: 100), who was consul with Germanicus in 12, and legate of Germania Inferior when the revolt of Sacrovir and Florus broke out. It is no doubt significant for Silius' trial that C. Visellius Varro quarreled with C. Silius over who would take control of operations against Sacrovir, and this resulted in enmity between the two men; according to Tacitus, since Varro the Elder was old and infirm, he yielded operations to Silius (*Ann.* 3.41–3). At some point his son, L. Visellius Varro, received the *ius tria nomina*, and his consulship is mentioned by Frontinus (*Aq.* 102). It seems he was *curator riparum et alvei Tiberis* with C. Vibius Rufus, the consul in 16. In 24 he was consul *ordinarius* with Ser. Cornelius Cathegus. His consulship was later known for some important pieces of legislation (the *lex Visellia de iure Quiritium Latinorum qui inter vigiles militaverant* [Ulpian fr. 3.5], and the *lex Visellia de poenis libertinorum, qui ingenuorum honores usurpabant* [*Dig.* 9.21; 9.31.1], i.e. the *lex Visellia* on night watchmen who perform their duty, and the *lex Visellia* on punishments for freedmen who take possession of honors belonging to the free born). He was soon to leave office when the case of C. Silius, his father's old nemesis, came on the docket (see above, pp. 141–2). Nothing more is known of Varro after this case.

107 L. Vitellius the Elder[?]

Jos. *AJ* 15.405, 407; 18.88–90, 95–7, 99, 101, 104–5, 115, 120, 124–6; 20.12; *Plin. Nat.* 15.83; *Tac. Hist.* 1.9.1; 1.52.4; *Ann.* 6.28.1; 6.32.5–7; 6.36.1; 6.37.1, 6; 6.41.1; 11.2.4; 11.3.1–2; 11.4.6; 11.33.3; 11.34.1; 11.35.1; 12.4–6; 12.42.4–5; 14.56.1; *Suet. Vit.* 2.1; 2.4–5; 3.1–2; *Plut. Galba* 22.5; *Dio* 58.24.1; 59.27; 60.21.2; 60.29.1, 6; *Aur. Vict. Epit.* 8.1.

Barrett 1989: 24, 53, 63–4, 100, 150, 236; Bauman 1974: 194, 202; Crook 1955: 189; Gallivan 1978: 408; Griffin 1984: 29–30, 93; Köstermann 1965: 305–6, 319–20, 329–31; 1967: 31–2, 34, 98–9, 113–14, 116–17, 182; 1968: 134–5; Levick 1976a: 146–7; 1990: 62, 64–6, 70–1, 75, 119, 142; Marsh 1931: 212–13; Rudich 1993: 192; Seager 1972: 241–3; Syme 1958: 259–60, 313–14, 330–1, 342, 346, 356, 386, 414–15; 1970: 7, 85, 137–8; 1979b: 805–6; 1980: 3, 71, 74; 1986: 183–4, 416; 1991b: 502, 512, 521–5, 529, 572; Talbert 1984: 231–2, 278; Wellesley 1972: 163–4; Wiedemann 1999: 323–35.

*PIR*¹ V 500; *AE* 84.229; 86.172; *CIL* 6.919; 6.2026; 6.2032; 6.2035.

He was the son of Augustus' procurator, and he had several siblings (Aulus, Quintus, and Publius) who went on to become famous (and infamous) in their own right (*Suet. Vit.* 2.1). From an early age he appears to have had a close connection with the future emperor Claudius, and was brought up, in part, under the watchful eye of Claudius' mother, Antonia (*Tac. Ann.* 11.3.1); there seems always to have been a close connection between the Vitellii and Claudii

under the Empire, for Vitellius' brother was on Germanicus' staff, and involved in Piso's prosecution (cf. Barrett 1989: 24; on the connections between Claudius' family, the Vitellii, and Corbulo, see Syme 1979b: 805–6). He was married to a woman named Sextilia (Suet. *Vit.* 3.1) and father of the emperor Aulus Vitellius and of L. Vitellius (*q.v.* below; cf. Tac. *Hist.* 1.9.1). His career will have commenced very late in Augustus' reign or early in Tiberius'. A *novus homo* (see Syme 1986: 416; 1991b: 521), he was consul *ordinarius* for the first time in 34 with Paullus Fabius Persicus (Tac. *Ann.* 6.28.1; Suet. *Pers.*; Dio 58.24.1; concerning Persicus see Syme 1986: 416), and was in office in December of that year. He was possibly a member of the Arvals in 29 (CIL 6.2026), and certainly a member under Claudius (CIL 6.2032; 6.2035; cf. Syme 1980: 3). As consul he and his colleague were in charge of the celebration of Tiberius' second tenth anniversary in office. Dio states that at this period accusations were relentless, and as consul Vitellius may have presided, even participated in them; it was on his watch that two notorious prosecutions, those of Pomponius Labeo (Tac. *Ann.* 6.29.1–3) and Mam. Aemilius Scaurus (*q.v.*) took place. He went on directly afterwards, in 35, to govern the province of Syria as propraetor, and was given a general command of overseeing affairs in the East (Tac. *Ann.* 6.32.5–37), where his skill as an administrator is remarked by several sources (Suet. *Vit.* 2.4; Tac. *Ann.* 6.32.6; Dio 59.27.3; see Marsh 1931: 212–13 for discussion). One of his first tasks was to force the Parthians out of Armenia: he compelled Artabanus to withdraw into Scythian territory by feigning preparations to invade Mesopotamia, and installed a man of Tiberius' own choosing, Tiridates III, in Parthia. In 36, Tacitus tells us that he dispatched M. Trebellius to deal with some rebellious Cappadocians (led by prince Archelaus), who were quickly crushed (*Ann.* 6.41.1). The next year, 37, he forced Artabanus to accept Rome's sovereignty after negotiating a treaty of friendship with him (Jos. *AJ* 18.96–7, 99, 101, 104–5; Dio 59.27). That same year Tiberius put him in charge of a war against King Aretas of Petra, but Tiberius died before Vitellius could commence hostilities (Jos. *AJ* 18.115, 120). He was in Jerusalem when he received the news of Tiberius' death (Philo *Leg.* 231) and promptly administered the oath of allegiance to Gaius, but was soon recalled (Jos. *AJ* 18.124). His activities as governor of the province of Syria are (relatively) well documented in Josephus' work: we are told that Vitellius ordered Pilate to Rome in the wake of his persecution of the Samaritans (*AJ* 18.88–9). Vitellius then traveled to Jerusalem and allowed the population there to enjoy the privileges allowed to them prior to Pilate, and he was generally tolerant, allowing the Jews to practice their faith (*AJ* 18.90; cf. 20.12). Pliny adds the interesting detail that he imported a new type of fig into Italy on his way back to Rome. Afterwards, he went on to play an important role in the imperial administration. Under Claudius, he was consul *ordinarius* twice, and then censor in 47 when he was also consul for a third time (a singular honor enjoyed by no one since M. Agrippa under Augustus, see Syme 1970: 85; 1986: 184); he held both offices jointly with Claudius (Suet. *Vit.* 2.4; Tac. *Hist.*

1.52.4; *Ann.* 14.56.1; Dio 60.29.1; *Aur. Vict. Epit.* 8.1). His second consulship came early in 43 (with Claudius, who was still in office in February, see Gallivan 1978: 408). He held the highest and most trusted position under Claudius, and was entrusted with the administration of the Empire (*curam imperii sustinuit*) in Claudius' absence while he undertook the conquest of Britain in 43 (*Suet. Vit.* 2.4; Dio 60.21.2); Levick (1990: 142) notes that in light of the recent execution of the praetorian praefect, Catonius Justus, Vitellius probably held that position as well. The future emperor Vespasian appears to have benefited from Vitellius' patronage during one of his consulships (*Tac. Hist.* 3.66.3; see Syme 1980: 74; 1991b: 512, who uses this remark, in part, to construct a faction around Vitellius [see 1991b: 502, 512, 521, 524, 525, 529, 572; also see 1958: 386 for a good discussion of Vitellius' allies during Claudius' administration]). In 47 he also appears to have played a part in the accusation against Valerius Asiaticus. While he was not one of the actual prosecutors in the case held *intra cubiculum*, he was certainly one of the main players behind the scenes, if we can believe Tacitus, for Messalina approached Vitellius and impressed on him the importance of condemning Asiaticus (*Ann.* 11.2.4). It is also worth noting that despite Suillius Rufus' role as prosecutor, it was Vitellius whom Claudius consulted concerning acquittal or condemnation, and that, in his final hours, Asiaticus – although perishing nobly by his own hand – was heard to remark that he would have preferred to perish through the dissimulation of Tiberius or the violence of Gaius than through the deceit of Messalina (*fraude muliebri*) or shameless eloquence (*impudico ore*) of Vitellius (cf. Dio 60.29.6, who notes Messalina's and Vitellius' collusion in his demise; see Bauman 1974: 202 for discussion of Vitellius' role in the case against Asiaticus; Levick 1990: 119 says Suillius and Vitellius acted as an advisory council; see above, pp. 106–9). In the wake of this prosecution, Vitellius set in motion a decree awarding Sosibius (*q.v.*) 1,000,000 sesterces (*Tac. Ann.* 11.4.6). Levick (1990: 64) notes the difficulty in understanding Vitellius' role in this case: it would be remarkable to find Asiaticus' son the emperor Vitellius' ally in the upheavals of 69 if the emperor's father had been involved in his father's, Asiaticus', destruction – but, as Levick notes, the alliance was short-lived, and the circumstances of that year were extraordinary to say the least (cf. Wiedemann's discussion concerning the younger Asiaticus, 1999: 323–35). The other prosecution in which he appears to have acted as *delator* was that against L. Junius Silanus in 48 (see *PIR*² I 829; he was Augustus' *abnepos*, see *Sen. Apoc.* 10.4). According to Tacitus, Vitellius had his eyes on the next regime, and was courting the favor of Agrippina, who wanted to see Octavia, then espoused to Silanus, married to her son, Nero (*Tac. Ann.* 12.4). Apparently Vitellius did not care that Silanus' sister, Junia Calvina, had at one time been his daughter-in-law (concerning Calvina see *PIR*² I 856; Syme 1986: 174–5; Griffin 1984: 29–30; Levick 1990: 70–1; she was the daughter of Aemilia Lepida, a direct descendant of Augustus, and of M. Silanus, consul in 19; cf. above, pp. 148–9 for further discussion of this case). Köstermann (1967: 113–14) notes that it is quite possible that Vitellius could have

obtained the information for this denunciation from his son. Silanus' expulsion from the senate allowed Epirus Marcellus to take his place in office, and Syme conjectures that Vitellius was his patron (1991b: 524). In the next year, it was Vitellius who arranged the introduction of legislation legalizing Claudius' marriage to his niece, Agrippina the Younger (Tac. *Ann.* 12.5–6; Dio 60.31.8); he asked Claudius if he would accept a decree of the people (*iussis populi*) and yield to the senate's authority. Having received imperial permission, Vitellius introduced the proposal. Tacitus presents a version of his speech to the senate which borders, as Syme has noted, on a parody of the sycophantic courtier; he alludes to Claudius' virtues and to Agrippina as "outstanding for her virtue" (*sanctimonia insignem*) through a series of specious arguments enthusiastically accepted by a compliant senate (for discussion see Syme 1958: 330–1, 346; 1970: 137; 1991b: 522 [noting that the speech is satirical in tone and citing links with Claudius' own style as depicted by Tacitus]; for the procedural details concerning Vitellius' speech see Talbert 1984: 231–2, 278; Griffin 1984: 93). He is next heard from in 51, when, now in extreme old age (Tac. *Ann.* 12.42.4), Junius Lupus tried to prosecute him (see above, p. 149). This particular accusation could indicate that, even though Vitellius does not necessarily belong to the genus *delatorum* in the view of contemporary scholars, Tacitus certainly may have thought that he did. In presenting the accusation against Vitellius, Tacitus states the following: "Vitellius ... (so uncertain are the affairs of the powerful) was attacked with an accusation, with Junius Lupus as prosecutor," *Vitellius ... (adeo incertae sunt potentium res) accusatione corripitur, deferente Iunio Lupo senatore*. His parenthetical remark set in stark juxtaposition to *accusatione* points to a reversal of fortune – and roles – for Vitellius, in which the accuser is now the accused. He is not heard from further, and probably died (of a stroke) soon after (Suet. *Vit.* 3.1; Syme 1958: 313–14; 1991b: 523 [for his apparent lack of an obituary in Tacitus]). His reputation did not fare well after his death. For Tacitus, who recalls his evil reputation and his flattery of Gaius and Claudius in an extended digression, he is the servile courtier *par excellence*, "the exemplar of fawning dishonor," *exemplar ... adulatorii dedecoris* (*Ann.* 6.32.6–7; see Syme 1958: 356). Dio supports Tacitus' character sketch (though he possibly used Tacitus as a source), for he states that in 40 Gaius recalled him from Syria out of jealousy, intent on executing him (Dio 59.27.4), and that Vitellius only saved himself by the most grotesque flattery and humiliation (cf. Suet. *Vit.* 2.5; see Barrett 1989: 100, 150, 236 [where he argues that Vitellius' recall was routine]), but that afterwards he was one of Gaius' intimates, and a part of his *consilium*. He was equally obsequious towards Claudius' wife, Messalina, and Claudius' freedmen, Pallas and Narcissus (Suet. *Vit.* 2.5; he was deferential to Narcissus during his crushing of her attempted *coup*, Tac. *Ann.* 11.35.1); he was reported to have coined a famous compliment towards Claudius after he celebrated the *ludi saeculares*, "May you do so often," "*Saepe facias*" (see Syme 1958: 342 for discussion). Indeed, his steadfast loyalty towards Messalina caused Narcissus no small concern when he moved to reveal Silius'

and Messalina's conspiracy to Claudius; Narcissus made certain that he rode together with Vitellius and Claudius to Rome in order that Claudius might not be persuaded to leniency; during the trip Vitellius made cryptic remarks concerning Messalina's behavior ("Oh the deed! Oh the crime!," "*o facinus! o scelus!*"), but remained tight-lipped when Narcissus pressed him as to his meaning (Tac. *Ann.* 11.33.3–11.34.1). Suetonius, on the other hand, says that he was virtuous and hard working (*innocens et industrius*) and only besmirched his reputation due to his excessive passion for a freedwoman (Suet. *Vit.* 2.4). In Plutarch's *Galba* Vitellius is cited as a paradigm of magnanimity (*megalophrosyne*) who had risen from obscurity and whose virtues were sufficient to recommend his son for the purple (cf. Tac. *Hist.* 3.86.1). He was honored upon his death with a public funeral and a statue before the rostra inscribed with the dubious epitaph (in light of his servility), PIETATIS IMMOBILIS ERGA PRINCIPEM (see Syme 1958: 415).

108 L. Vitellius the Younger

Tac. *Hist.* 1.88.1; 2.54.1; 2.63; 2.64.2; 3.37.1; 3.38–9; 3.55.2; 3.58.1; 3.76–7; 4.2.2–3; *Ann.* 12.4.1; Suet. *Vit.* 5; 13.2; Plut. *Otho* 5; Dio 65.16.2; 65.20.1; 65.22.

Chilver 1979: 158; 1985: 24; Crook 1955: 189; Gallivan 1978: 409; Vogel-Weidemann 1982: 196–9; Wellesley 1972: 128–32, 155–8, 177–9.

PIR¹ V 501; AE 73.164; 84.229.

L. Vitellius was the son of Claudius' courtier, L. Vitellius (*q.v.*) and Sextilia, a woman "of old fashioned character" (*antiqui moris*, Tac. *Hist.* 2.64.2; cf. Suet. *Vit.* 3), although Vitellius, according to Tacitus, was quite the opposite. Born under Augustus around AD 8, if he went through the normal cursus he will have commenced his career late in Tiberius' reign. His main claim to fame is that he was brother of the emperor Vitellius, although he himself was a man of no small attainment, holding the suffect consulship in 48 with L. Vipstanus Poplicola Messalla (Gallivan 1978: 409), then acting as proconsul in Africa in the late 50s (Suet. *Vit.* 5). Crook makes him out to be a member of Claudius', then Nero's, and finally Otho's *consilium*; while we lack firm evidence for this, it is entirely plausible, given his family's proximity to the imperial house. He participated as a member of Otho's retinue in his campaign against his own brother in early 69 (probably not of his own volition), and is next heard from after the first battle of Cremona, when he appears as one already exploiting his position as the emperor's brother, basking in the attention given to him by fawning courtiers (Tac. *Hist.* 2.54.1). He soon returned to Rome, where he prepared a notoriously extravagant feast to welcome his brother to the city, which included, according to Suetonius, 2,000 choice fish and 7,000 birds (*Vit.* 13.2). He is later heard from when attacking Caecina Alienus, who had

defected to the Flavian cause but had then been arrested (Caecina went on to become a prominent supporter of the Flavians and perished with Eprius Marcellus under mysterious circumstances in 79; see above, pp. 173–4). The episode may have some bearing on L. Vitellius' brief career as a *delator*, which is limited to one notorious incident, in which he denounced Junius Blaesus (*PIR*² I 737) to his brother the princeps. Tacitus relates the episode in *Hist.* 3.38–9: the emperor, resting during an illness in the *horti Serviliani*, noticed a large mansion brightly lit up one night. Asking the reason, he was informed that Caecina Tuscus (for his life see Demougin 1992: 563–4) was holding a party in honor of Junius Blaesus. There were not lacking those to cast this gathering in a sinister light, including the emperor's brother, who now accused Blaesus with great spite according to Tacitus. He purportedly impelled his brother – through fear – to choose a murderous means of eliminating Blaesus: in a panicked nocturnal visit to his brother Lucius told the emperor that his anxiety over Vespasian was for naught – it was Blaesus who courted the favor of the army and the mob through largesse, who could boast imperial descent from the Junii and Antonii, whom he need fear. In a particularly acid conclusion to his denunciation, L. Vitellius demanded a particularly vicious end for Blaesus, whom Vitellius soon eliminated through poison. Tacitus casts this in as malignant a light as possible, but then goes on to note that Blaesus had been approached by Caecina Alienus and other prominent Flavians, who were attempting to involve him in a plot and bring him over to their side. In a year when the city was full of spies and assassination, and the empire was devastated by civil war, it is little wonder that a well-to-do and powerful figure, courted by the opposition, will have come under suspicion. Lucius also played an active role in the campaign defending Rome and Italy from the Flavian advance, and was put in charge of several cohorts to protect the city (*Tac. Hist.* 3.55.2). He was soon sent to Campania in November (see Wellesley 1972: 155–8, 177–9) with six cohorts and 500 cavalry to crush an insurgency of Flavian loyalists, and soon marched on and occupied Feronia (in mid-December) before laying siege to Terracina, which was betrayed by a slave of Vergilius Capito's (*Tac. Hist.* 3.76.1). The massacre that ensued was horrific, and Vitellius had one of the garrison commanders, Julianus, scourged and strangled. Lucius now sent a laureled missive to his brother asking whether he wanted him back in the city, or preferred that he complete the subjugation of Campania. The emperor and his brother hesitated, and the Flavians marched into the city before the Vitellians could do anything. Tacitus remarks that the delay was providential: the two armies, had they met in Rome, surely would have destroyed the city, for L. Vitellius was a man of evil energy. Upon the collapse of Vitellian resistance, he surrendered with his men near Bovillae, and was treacherously executed after he had negotiated conditional terms with his would-be captors guaranteeing his safety. His wife, Triaria, was apparently a dominant woman at court, and Tacitus reports that she was responsible for the fall of Dolabella (*Tac. Hist.* 2.63.2–64.1; cf. Plancius Varus' *vita*). Triaria was not his first wife: in 48 L. Vitellius' father had prosecuted L.

Silanus, whose sister was Junia Calvina, his own daughter-in-law and L. Vitellius the Younger's wife (Vitellius possibly supplied his father with useful information against Silanus). There is no record of any children by L. Vitellius, and, if there were, they may have shared the fate of his nephew, executed to prevent any subsequent claims to succession (Tac. *Hist.* 4.80.1).

109 Volusius Proculus[?]

Tac. *Ann.* 15.51; 15.57.1.

Köstermann 1968: 274–5; Rudich 1993: 101, 271, 288.

PIR¹ V 658.

Tacitus says that Volusius was a *nauarchus* in the fleet at Misenum; the meaning of the term is not entirely certain – he could simply have been the captain of a ship or a squadron commander (see Köstermann 1968: 274–5). Tacitus says that he assisted in Nero's disposal of Agrippina in 59, but had not been remunerated for his efforts as he had hoped. In 65, Epicharis played on his frustration by revealing that a conspiracy against Nero was under way (headed by Piso), and that rewards awaited him if he should join the plot, but Volusius was not interested, and instead denounced the plot to Nero (see above, pp. 167–8). It was his denunciation that eventually led to Epicharis' exquisite torture and death. Rudich maintains the slight possibility that he was an *agent provocateur*. Nothing more is known of Volusius.

APPENDIX 1

Delatores and their prosecutions

<i>Delator</i>	<i>Defendant</i>	<i>Date</i>	<i>Charge</i>	<i>Outcome</i>
Abudius Ruso	Lentulus Gaetulicus	34	Friendship with Sejanus	<i>calumnia</i> for the accuser
Mam. Aemilius Scaurus	C. Junius Silanus	22	<i>repetundae</i> in Asia and <i>maiestas</i>	exile
Ancharius Priscus	Caesius Cordus	21-22	<i>repetundae</i> in Crete and Cyrene	exile(?)
C. Anicius Cerialis[?]	unknown	40(?)	conspiracy	conspiracy betrayed
Annius Faustus	Vibius Secundus	60	<i>repetundae</i> in Mauretania	acquitted
Antistius Sosianus	P. Anteius	66	conspiracy and astrological consultations	enforced suicide
Antonius Natalis	Ostorius Scapula	66	see P. Anteius (above)	enforced suicide
	Piso (denounced)	65	Pisonian conspiracy	suicide
	Seneca (incriminated)	65	Pisonian conspiracy	suicide
Aponius	unknown	Neronian <i>delator</i>		
M. Aquilius Regulus	Salvidienus Orfitus	67	<i>coniuratio</i> <i>Viniciana</i> (?) (conspiracy)	execution

APPENDIX 1

<i>Delator</i>	<i>Defendant</i>	<i>Date</i>	<i>Charge</i>	<i>Outcome</i>
M. Aquilius Regulus	Sulpicius Camerinus Pythicus the Elder	67	conspiracy(?)	execution
	Sulpicius Camerinus the Younger	67	conspiracy(?)	execution
	Crassus Frugi	67(?)	conspiracy(?)	execution
	Arulenus	93(?)	<i>maiestas</i>	execution(?)
	Rusticus(?)			
Armillatus	unknown	Domitianic <i>delator</i>		
Arrius Varus	Domitius Corbulo	67	conspiracy(?)	execution
(L.?) Aruseius	L. Arruntius	31	<i>maiestas</i> (?)	<i>calumnia</i> for the accuser
Atimetus	Agrippina the Younger	55	<i>res novae</i>	accuser executed
A. Avillius Flaccus	Agrippina the Elder	29	unknown	exile
Baebius Massa	unknown	Domitianic <i>delator</i>		
Bruttedius Niger	C. Junius Silanus (see Mam. Aemilius Scaurus)			
(C.?) Magius Caecilianus	M. Aurelius Cotta Messalinus	32	<i>maiestas</i> (?)	<i>calumnia</i> for the accuser
Caelius Cursor	Magius Caecilianus	21	<i>maiestas</i>	<i>calumnia</i> for the accuser
Caepio Crispinus	Granius Marcellus	15	<i>maiestas</i> , “sinister” conversations against the emperor, <i>repetundae</i>	first two charges dismissed, <i>repetundae</i> referred <i>ad</i> <i>recipitatores</i>
Calpurnius Salvianus	Sextus Marius	25	unknown	exile
Calvisius	Agrippina the Younger	55	<i>res novae</i>	exile for the accuser

APPENDIX 1

<i>Delator</i>	<i>Defendant</i>	<i>Date</i>	<i>Charge</i>	<i>Outcome</i>
Caprius	unknown	Augustan <i>delator</i>		
Cassius Severus	Nonius Asprenas L. Cestius Ti. Labienus(?)	Augustan <i>delator</i> cf. above 12-8 BC	attempted poisoning unknown libel(?)	acquitted unknown suicide
Cervarius Proculus	Flavius Scaevinus	65	conspiracy	execution
C. Cestius Gallus	Annia Rufilla Q. Servaeus	20(?) 32	fraud (<i>falsum</i>) friendship with Sejanus	unknown acquitted (turned <i>index</i>)
	Minucius Thermus	32	friendship with Sejanus	acquitted (turned <i>index</i>)
Cestius Severus	unknown	Neronian <i>delator</i>		
Claudius Demianus	L. Antistius Vetus	65	association with Rubellius Plautus and <i>repetundae</i>	suicide
Considius (Gallus? Proculus?)	Pomponius Secundus	31	friendship with Sejanus	<i>calumnia</i> for the accuser
Considius Aequus	Magius Caecilianus	21	<i>maiestas</i>	<i>calumnia</i> for the accuser
Cornelius (Crispus?)	Mam. Aemilius Scaurus	34	<i>maiestas</i> , adultery, magic practices	suicide
P. Cornelius Dolabella	Quintilius Varus	27	unknown	case dismissed
Cossutianus Capito	Antistius Sosianus Thrasea Paetus Helvidius Priscus Paconius Agrippinus Curtius Montanus	62 66 66 66 66	<i>maiestas</i> <i>maiestas</i> <i>maiestas</i> (?) <i>maiestas</i> (?) libel	exile suicide exile exile barred from holding office

APPENDIX 1

<i>Delator</i>	<i>Defendant</i>	<i>Date</i>	<i>Charge</i>	<i>Outcome</i>
Demetrius	unknown	Neronian(?) <i>delator</i>		
Diphilus	unknown	Neronian(?) <i>delator</i>		
Cn. Domitius Afer	Claudia Pulchra	26	adultery, poisoning, magic	exile(?)
L. Domitius Paris[?]	Quintilius Varus (see P. Cornelius Dolabella) Agrippina the Younger	55	<i>res novae</i>	Agrippina acquitted, no penalty for Domitius
P. Egnatius Celer (<i>testis</i>)	Barea Soranus	66	<i>maiestas</i> , <i>res novae</i>	suicide
	Servilia	66	astrological consultations	suicide
T. Clodius Eprius Marcellus	Thrasea Paetus (see Cossutianus) Helvidius Priscus (see Cossutianus) Paconius Agrippinus (see Cossutianus) Curtius Montanus (see Cossutianus)			
	Cn. Sentius Saturninus(?)	67-68(?)	unknown	death(?)
	Helvidius Priscus(?)	74-75(?)	<i>res novae</i> (?), <i>maiestas</i> (?)	execution
Eucaerus	Octavia	62	adultery	exile, forced suicide
Fabius Romanus	Annaeus Mela	66	Pisonian conspiracy	suicide
Fabircius Veiento[?]	unknown	Domitianic <i>delator</i>		

APPENDIX 1

<i>Delator</i>	<i>Defendant</i>	<i>Date</i>	<i>Charge</i>	<i>Outcome</i>
Firmius Catus	M. Scribonius Libo Drusus	16	<i>res novae</i> , astrology, magic practices	suicide
	his sister (<i>soror sua</i>)	24	<i>maiestas</i>	<i>calumnia</i> for the accuser
Flavius Milichus [Soter](?)	Flavius Scaevinus	65	Pisonian conspiracy	suicide
Fonteius Agrippa	Scribonius Libo Drusus (see Firmius Catus)			
Fortunatus	L. Antistius Vetus (see Claudius Demianus)			
L. Fulcinus Trio	Scribonius Libo Drusus (see Firmius Catus)			
	Cn. Piso	20	<i>maiestas</i> , poisoning	suicide
Helico[?]	unknown	Neronian <i>delator</i>		
Heliodorus	L. Junius Silanus Torquatus(?)	65	conspiracy(?)	execution
Hermarchus	unknown	unknown		
Hilarus	Cluvius Rufus	69	sedition(?)	defendant acquitted, accuser executed
Isidorus	Avillius Flaccus	38	<i>repetundae</i> (?)	exile, subsequently executed
	Agrippa II(?)	53	unknown	execution for accuser(?)
Iturius	Agrippina the Younger (see Calvisius)			
Julius Celsus	unknown	Tiberian <i>delator</i>		

APPENDIX 1

<i>Delator</i>	<i>Defendant</i>	<i>Date</i>	<i>Charge</i>	<i>Outcome</i>
Julius Marinus[?]	Curtius	before 30	unknown	unknown
	Atticus			
C. Julius Maro	Paulus	Tiberian	<i>maiestas</i> (?)	unknown
		<i>delator</i>		
Junius Lupus	L. Vitellius	51	<i>maiestas</i>	<i>calumnia</i> for the accuser
Junius Otho	C. Junius Silanus (see Mam. Aemilius Scaurus)			
D. Laelius Balbus	Acutia	37	<i>maiestas</i>	condemned
Lampo	A. Avillius Flaccus (see Isidorus)			
	Agrippa II (see Isidorus)			
Latinus	unknown	Domitianic <i>delator</i>		
L. Lucanius(?) Latiaris	Titius Sabinus	27-28	conspiracy(?)	execution
Mettius Carus	Cornelia the Vestal(?)	89(?)	adultery	execution
	Herennius	93	<i>maiestas</i> (?)	execution or suicide
	Senecio			
	Fannia	93(?)	<i>maiestas</i> (?)	exile
Narcissus	Appius Silanus	42	conspiracy(?)	execution
	Galaesus	42	<i>res novae</i>	unknown, probably death
	Messalina	47	conspiracy(?)	execution
	C. Silius	47	conspiracy(?)	suicide
Nonius Attianus	unknown	Neronian <i>delator</i>		
Norbanus Licinianus	Caecilius	97-98	<i>repetundae</i>	accuser charged with collusion
	Classicus			
M. Opsius	Titius Sabinus (see Latiaris)			
Ostorius Sabinus	Barea Soranus (see Egnatius Celer)			

APPENDIX 1

<i>Delator</i>	<i>Defendant</i>	<i>Date</i>	<i>Charge</i>	<i>Outcome</i>
Ostorius Sabinus	Antistia (see Egnatius Celer)			
C. Paccius Africanus	<i>fratres</i> Scribonii	67	conspiracy(?)	execution
Paetus	Burrus	55	conspiracy	<i>calumnia</i> for accuser
	Pallas (cf. Burrus above)			
	Cornelius Sulla (cf. Burrus above)			
M. Palfurius Sura	unknown	Domitianic <i>delator</i>		
Petillius Rufus	Titius Sabinus (see Latiaris)			
L. Pinarius Natta	Cremutius Cordus	25	libel(?)	suicide
M. Plancius Varus	Cornelius Dolabella	69	conspiracy(?)	execution
Polydeukes	Claudius	unknown	unknown	unknown
M. Pompeius Silvanus	unknown	Domitianic <i>delator</i>		
Stabirius Flavinus[?]				
Q. Pomponius Secundus	Considius Proculus(?)	33	<i>maiestas</i>	execution
M. Porcius Cato	Titius Sabinus (see Latiaris)			
Protogenes	unknown	ca. 39-41		
Publicius Certus	Helvidius Priscus the Younger(?)	93(?)	<i>maiestas</i> (?)	suicide or execution
Romanus	Seneca	62	conspiracy(?)	<i>calumnia</i> for the accuser?
Romanus Hispo	Granius Marcellus (see Caepio Crispinus)			
Rufrius Crispinus[?]	<i>fratres</i> Petrae(?)	47	conspiracy(?)	death
Salienus Clemens	L. Junius Gallio	65	conspiracy(?)	case dismissed
Sanquinius(?)	L. Arruntius (see Aruseius)			

APPENDIX 1

<i>Delator</i>	<i>Defendant</i>	<i>Date</i>	<i>Charge</i>	<i>Outcome</i>
Sariolenus Vocula	unknown	Neronian <i>delator</i>		
Satrius Secundus	Cremutius Cordus (see Pinarius Natta)			
C. Sempronius Gracchus Servilius (Tusculus?)	Granius Marcianus Mam. Aemilius Scaurus (see Cornelius [Crispus?])	35	<i>maiestas</i>	suicide
(L.?) Sextius Paconianus Ti. Catus Silius Italicus Sosibius	Lucianus(?) Latiaris unknown Valerius Asiaticus	35 Neronian <i>delator</i> 47	conspiracy(?) conspiracy(?)	unknown execution
P. Suillius Rufus	Q. Pomponius Lusius Saturninus Cornelius Lupus (cf. Saturninus above) Valerius Asiaticus (see Sosibius) Julia (Drusus' and Livilla's daughter) <i>fratres</i> Petrae (see Rufrius Crispinus)	41-42 41-42 43	conspiracy/ <i>res novae</i> (?) conspiracy/ <i>res novae</i> (?) adultery(?)	death(?) death(?) exile
Sulcius	unknown	Augustan <i>delator</i>		
Tarquitius Priscus	Statilius Taurus	53	<i>repetundae</i> , magic practices	suicide
Ter. Tullius Geminus	Fabricius Veiento	62	libel, <i>maiestas</i> (?)	exile

APPENDIX 1

<i>Delator</i>	<i>Defendant</i>	<i>Date</i>	<i>Charge</i>	<i>Outcome</i>
Timidius	Pomponius	40	conspiracy	acquitted
Vacerra[?]	unknown	unknown		
L. Valerius Catullus	unknown	Domitianic		
Messalinus		<i>delator</i>		
Valerius Largus	Cornelius Gallus	26 BC	sedition(?)	suicide
Valerius Ponticus[?]	unknown	61	<i>falsum</i>	accuser exiled
Vatinius	unknown	Neronian <i>delator</i>		
Q. Veranius	L. Calpurnius Piso	24	<i>maiestas</i>	defendant died before trial's end
L. Junius Vibius Crispus	<i>fratres</i> Scribonii (see Paccius Africanus)			
(C.?) Vibius Serenus the Elder	Annius Faustus Scribonius Libo Drusus (see Firmius Catus)	69	unknown	condemned
(N.?) Vibius Serenus the Younger	Vibius Serenus the Elder	24	conspiracy	exile
	Caecilius Cornutus	24	conspiracy	suicide before trial's end
	Fonteius Capito	25	<i>repetundae</i> (?)	case dismissed
L. Visellius Varro	C. Silius	24	<i>repetundae</i> / <i>maiestas</i>	suicide
L. Vitellius the Elder[?]	Valerius Asiaticus(?) (see Sosibius)			
	L. Junius Silanus	48	“imprudent desire” for his sister	expulsion from senate and suicide
L. Vitellius the Younger[?]	Junius Blaesus	69	sedition(?)	execution
Volusius Proculus	Epicharis	65	conspiracy	execution
Unknown	Falanus	15	<i>maiestas</i>	case dismissed

APPENDIX 1

<i>Delator</i>	<i>Defendant</i>	<i>Date</i>	<i>Charge</i>	<i>Outcome</i>
Unknown	Rubrius	15	<i>maiestas</i>	case dismissed
Unknown	Appuleia Varilla	17	adultery and <i>maiestas</i>	condemned for adultery
Unknown	Clutorius Priscus	21	either charged under the <i>lex de sicariis et veneficis</i> or with magic	execution
Unknown	L. Ennius	22	<i>maiestas/ impietas</i>	case dismissed
Unknown	Votienus Montanus	25	<i>maiestas</i>	condemned
Unknown	Drusus	29	uncertain	starved in prison
Unknown	P. Vitellius	31/2	friendship with Sejanus	suicide
Unknown	Pomponius	31/2	friendship with Sejanus	acquitted
Unknown	Annius Pollio	32	<i>maiestas</i> (revolution with Sejanus)	acquitted
Unknown	Appius Silanus	32	<i>maiestas</i> (revolution with Sejanus)	acquitted
Unknown	Mam. Aemilius Scaurus	32	<i>maiestas</i> (revolution with Sejanus)	acquitted
Unknown	Calvisius Sabinus	32	<i>maiestas</i> (revolution with Sejanus)	acquitted
Unknown	L. Annus Vinicianus	32	<i>maiestas</i> (revolution with Sejanus)	acquitted
Unknown	Vitia	32	<i>maiestas</i>	executed
Unknown	M. Terentius	32	friendship with Sejanus	acquitted
Unknown	L. Fulcinius Trio	35	revolution or friendship with Sejanus	suicide
Unknown	Aemilius Lepidus	39	revolution	execution

APPENDIX 1

<i>Delator</i>	<i>Defendant</i>	<i>Date</i>	<i>Charge</i>	<i>Outcome</i>
Unknown	Lentulus	39	revolution	suicide
	Gaetulicus			
Unknown	L. Vitellius	40	<i>impietas</i>	acquitted
Unknown	Livilla, daughter of Germanicus	41	adultery	exile and execution
Unknown	Lollia Paulina	48	magic/ astrology	exile and execution
Unknown	Domitia	53	revolution/ magic	execution
Unknown	Lepida			
Unknown	Silanus	64	revolution	suicide
	Torquatus			
Unknown	L. Silanus	65	revolution	exile and execution
Unknown	C. Cassius	65	revolution with Silanus	exile
Unknown	Petronius	65	conspiracy	suicide
Unknown	Curiatius	ca. 75	libel?	execution?
	Maternus(?)			
Unknown	L. Aelius	89	libel?	execution
	Lamia			
Unknown	Hermogenes	89	libel?	execution
Unknown	Civica Cerealis	89	<i>maiestas</i>	execution
Unknown	Junius	93	?	exile
	Mauricus			
Unknown	Acilius	after 89	revolution	execution
	Glabrio			
Unknown	Flavius	95	“atheism”	execution
	Clemens			
Unknown	Flavia	95	“atheism”	execution
	Domitilla			
Unknown	Mettius	?	?	exile
	Modestus			

APPENDIX 2

The punishment of *delatores*

The hazards facing the *delator* were never slight. The laws themselves were intended to discourage prosecution unless the accuser had a solid case, and serious consequences followed a failed prosecution. There was also the simple, inevitable danger that regimes could change, and a new princeps might “settle accounts” by a purge of those who had proved themselves loyal to his less popular predecessor. In addition, as Titus, for one, discovered, punishing *delatores* could go a long way in establishing goodwill between the emperor and senate. Indeed, even within a given regime, it was not unheard of that a general house-cleaning would take place, and *delatores* be eliminated wholesale.

A penalty of *calumnia* (a charge of malicious or false accusation) potentially awaited the prosecutor who did not prove his case, though a loss did not *de iure* translate into such a charge.¹ Marcianus, for one, tells us that whether a failed prosecutor was charged with *calumnia* or not depended on the accuser’s intent and state of mind, which the judges investigated, though he tells us little about the criteria they used in making their determination.² Such discretion on the judge’s part we also find occasionally at work in the senate when sitting as a court; Vibius Serenus the Younger, for example, after he failed to convict his father in 24, came under Tiberius’ protection, and, if we can believe the words of Tacitus, numerous *delatores*, especially the more powerful, managed to evade the consequences of failed prosecutions (Tac. Ann. 4.36.5). The case of Serenus, however, was extraordinary, and the usual procedure was for the defendant to bring up the charge of *calumnia* against the failed accuser (Gaius Inst. 4.176). Normally, if found guilty, the *delator*, now technically a *calumniator*, was subject to penalty under the *lex Remmia*, which dealt with malicious prosecution (i.e. *calumniatores*).³ The *Digest* recognized three categories of punishable offenses for those guilty of *temeritas* (and so considered *calumniatores*, Dig. 48.16.1.5): the laying of a false charge (*calumniari*), the act of collusion (*praevaricari*), and the abandonment of a prosecution (*tergiversatio*), also known as evasion.⁴ Of the first (*calumniari*), we have a relatively large number of examples (see Appendix 1).⁵ For the second (*praevaricari*), perhaps the most notorious case is that of P. Suillius Rufus and the equestrian Samius (though Suillius escaped punishment despite his obvious guilt). For *tergiversatio*, Vibius

Serenus the Younger's alleged attempt to avoid the prosecution of his father after submitting the charge offers the most outstanding (and notorious) example of this. It is important to note, however, that in cases of *tergiversatio*, it was possible to drop the accusation with no penalty, provided one had the consent of the princeps (*Dig.* 48.16.1.3).⁶ One was subject to penalty as soon as he had filed a written statement of the charge, after which he was compelled to stand by it (*Dig.* 48.16.6.3). Those who were found guilty of *calumnia* were barred from prosecuting in the future, as were those who accepted money in order to prosecute, although this law was frequently ignored.⁷ If the *calumniator* was found to have accepted money for his action, he was required to pay fourfold damages to the injured party (*Dig.* 3.6.1 *pr.*). Anyone who gave false evidence against one charged with a capital offense could potentially be guilty under the *lex Cornelia de sicariis*, the law under which it was very likely that P. Egnatius Celer (*q.v.*) was prosecuted in 70, although *calumnia* was generally the charge in other cases.⁸ Paulus states that *calumniatores* faced three types of punishment: exile, relegation to an island, or loss of rank (*Sent.* 5.4.11).

Nor were those who accused alone liable to punishment; anyone who put an accuser up to prosecuting a third party was also subject to the penalty of *calumnia* if they lost their case.⁹ Under the provisions of the *SC Turpillianum*, those who suborned accusers or themselves accused after having been suborned were not liable to *calumnia* if the accused died except in cases of *maiestas* and *repetundae*, in which they were compelled to proceed despite the death of the accused.¹⁰ Macer in fact was of the opinion that anyone accepting money to bring up an accusation should be barred from further prosecutions.¹¹

Such were the individual legal provisions concerning accusation. But there were occasional extralegal means emperors used to punish *delatores en masse* in addition to the periodic attempts to put a rein on *delatores*. The first of these took place late in 33, when Tiberius undertook a purge of those active as accusers (*Dio* 58.21.5). Tiberius' intent in effecting this purge is unclear: it could have been connected with the fall of Sejanus, but it could also have been associated with a monetary crisis that came to a head in that year (see above, pp. 78–9). One further alternative is that it was part of an effort by Tiberius to assuage the senate after the abysmal depths he reached in relations with it after Sejanus' demise. Upon succession, Gaius initially showed clemency to accusers, and in a public ceremony in the Forum had all documents relating to the accusations against his brothers and mother publicly burned, calling the gods to witness that he had neither read nor even touched any of them, to assuage the anxiety of any witness or *delator* who might have reason to fear (*Suet. Cal.* 15.4). He later produced copies of the documents, however, intending to accuse those complicit in the destruction of his family (*Suet. Cal.* 30.2). *Dio* tells us that upon succession Claudius took the extraordinary step of refunding sums confiscated under Tiberius and Gaius, either to the victims or to their children (60.6.3). The payments may well have been funded by confiscation from *delatores* and *accusatores* who had profited under those regimes and had survived

with impunity up until his reign.¹² Moreover, those slaves and freedmen who had acted as *delatores* under Tiberius and Gaius against their own masters or others, either falsely or without cause, he punished by making them fight one another in gladiatorial contests, or by throwing them to the beasts in the arena (Dio 60.13.1–2). Others he simply handed over to their masters for punishment.

Nero's check on *delatores* has already been discussed (see above, p. 111; cf. p. 44), and under him no mass punishments appear to have taken place, though a relatively significant piece of legislation, the SC *Turpillianum*, is on the books for his reign, which attempted to regulate prosecutions.¹³ We do know, however, that at the end of Nero's reign, after Galba had commenced his revolt, Nero tried to raise funds for an army and that many refused, demanding (in a foretaste of what was to come) that he simply take back the rewards he had given to *delatores* (Suet. *Nero* 44.2). In the wake of Nero's suicide, in 68, the senate appears to have passed a *senatus consultum* to investigate the cases of *accusatores* under him (Tac. *Hist.* 2.10.1). It was easier, however, to pass such an SC than to put it into effect, for whether a *delator* faced punishment or not, as Tacitus states, depended on how powerful and well connected he was, and it was not easy to topple the *pauci et validi* (*Hist.* 2.10.1). Bauman has posed the question concerning what charges would have been brought up against *delatores* on this occasion: he notes that there is no good solution to this question, that *calumnia* was appropriate only if the accused was acquitted, and only if the charge of *calumnia* had been presented directly after an acquittal.¹⁴ Moreover, as Bauman notes, the senate's investigation of the accusers' cases (*accusatorum causae*) was tantamount to retrial, and slow. More importantly, such retrials could and did open up old wounds, as the senate was to discover under Vespasian.¹⁵ Hence, in the wake of P. Egnatius Celer's prosecution by Musonius Rufus in January of 70, Junius Mauricus, sensing that the new regime might be willing to make further concessions, requested that Domitian, who was presiding, allow the senate to examine imperial records to find out who had acted as *delatores* against their fellow senators under Nero, and Domitian replied that he would need to consult his father, the emperor.¹⁶ Nothing daunted, the senate's principal members then drew up an oath, which it compelled its members to take, swearing that they had imperiled no one's safety, nor received money or office from anyone's misfortune (Tac. *Hist.* 4.41.1). The guilty tried fruitlessly to force a change in the oath's wording, and some who took the oath were accused of perjury, most notably Sariolenus Vocola, Cestius Severus, and Paccius Africanus.¹⁷ More powerful *delatores* may not have been compelled to take the oath, since Vibius Crispus attacked Paccius Africanus for perjury when he acted evasively as it came his turn to be sworn; Paccius – understandably – was quick to remind Vibius of his role as *delator* under Nero (Tac. *Hist.* 4.41.3). At the same meeting, Curtius Montanus attacked the infamous Regulus, and this was followed by Helvidius Priscus' second attempt to impeach Epruius Marcellus; the meeting disintegrated into mutual recriminations, and at the next meeting Domitian and Mucianus intervened, Domitian asking that past

wrongs be forgotten, and Mucianus actually delivering an oration on behalf of the *delatores* (which, one can imagine, was a watered-down version of the sort Eprius Marcellus had delivered in response to Helvidius Priscus).¹⁸ As a small consolation prize, Mucianus allowed the despised Antistius Sosianus to be sent back into exile, though Tacitus says he was a minor character on a stage full of much larger figures. Moreover, some of those punished in early 70, such as Paccius Africanus, we soon find governing provinces. *Delatores* of lower status appear to have caused less of a problem, being summarily executed “in the ancient fashion” or, if of servile status, handed over to their masters for punishment (Dio 64.3.4; Tac. *Hist.* 4.42.6).

Where Vespasian failed, however, Titus succeeded. Suetonius states that under Vespasian, *delatores* and those who suborned them remained a problem (Suet. *Tit.* 8.5). Titus, upon his succession, visited brutal, large-scale punishments on them and made a profit into the bargain. The “purge” may have been ratified by a formal decree, for Pliny says that Nerva added to Titus’ “edict” (*edicto Titi*) in punishing *delatores* (*Pan.* 35.4). Titus first marched them into the Forum and had them beaten with scourges and cudgels; he then put them on parade in the amphitheater, sold some, and deported others. A general ban on informers from the city may have been part of Titus’ edict.¹⁹ Pliny goes so far as to remark that the punishment of *delatores* was the reason Titus was voted divine status (*Pan.* 35.4). Nonetheless, there may have been a recrudescence of *delatores* even under Titus, since Domitian, too, was moved early on to punish those who were out to enrich themselves and the *fiscus*, famously remarking that “The emperor who does not punish *delatores* incites them.”²⁰ Moreover, the sources tend to agree that even those on whose information he acted were subject to harsh punishment, particularly (and not surprisingly) slaves who denounced their masters (Dio 67.1.3).

Something of the sagacity of Domitian’s and Mucianus’ requests that the senate relinquish its grudge against those who acted as *delatores* under Nero is supported by the events which took place in the first months of Nerva’s reign. Nerva took several measures to check *delatores*: he restored exiles, prohibited trials for *maiestas*, executed slaves who had denounced their masters, and prohibited further delations by those of servile status (Dio 68.1.2). In addition, he ended *maiestas* charges for Judaism, and executed an unspecified number of informers (Dio 68.1.2). But Domitian’s death had initially opened the flood gates, and, according to Dio, there was a great rash of accusations lodged against Domitianic *delatores* (doubtless by their victims), prompting the consul, Fronto, to remark that “it was bad to have an emperor under whom nobody could do anything, but worse to have one under whom everyone could do everything” (Dio 68.1.3). Nerva took the hint, and put an end to the prosecutions.²¹ Nerva’s successor, Trajan, took the punishments of the *delatores* surviving the initial purge under Nerva to new heights, turning their punishment into a public spectacle at a large circus event, where they were put on parade like common criminals and then boarded on ships and cast to the winds (Plin. *Pan.*

34.1; 34.5). Pliny expresses admiration at Trajan's innovation – though given Trajan's love of games and a long tradition in Rome of punishing criminals in the arena, Trajan's method of punishment was scarcely innovative.

The punishment of *delatores* highlights the unstable, irrational side of Roman politics. Such punishments will have included members of the senatorial order, at least the less powerful ones.²² These will have been perceived as supporters of the faction that stood in opposition to senatorial interests on the side of the princeps. With the death of the leader of their faction, an emperor could at least temporarily affirm his goodwill to the senate by purging the body politic of those whose presence will have been obnoxious to a body on whose talents and *bona fides* the emperor depended for stable government.²³ On another level, the purging of *delatores* was a natural continuation of the brutal punishments meted out during the proscriptions of the Late Republic and second triumvirate to those who had cast their lot with the losing side. The senate stood ever ready to proscribe anyone they could who had acted against its interests.

APPENDIX 3

Informants and conspiracy in the Republic

Throughout the Republic, informants played a part in protecting Rome's internal social and constitutional order, and thereby helped to maintain security and stability when the state faced grave threats. As such, they prefigure one of the main functions assumed by *delatores* under the Principate. Many of the early cases in which informants have a role, mostly related in Livy, are in the nebulous realm of Rome's quasi-mythic past, and should be understood as a reflection of more contemporary events particular to Livy's own day rather than as a genuine account of Rome's early history.¹ This is particularly true for the Early Republic, although by the time of the Punic Wars the sources on which Livy could draw become more reliable. The two major conspiracies during the Republic in which informants play a significant role and which are (relatively) well and reliably documented include the Bacchanalian and Catilinarian conspiracies, and these will merit closer examination.

The problem of using Livy as a source can be elucidated by looking at two early instances of informing that parallel events of more recent concern in Livy's day. The first case of informing in Roman history, according to Livy, took place just after the expulsion of King Tarquinius from Rome: envoys of King Tarquinius had come to Rome seeking the restitution of his property, which had been confiscated.² The envoys soon entered into a plot with some young Roman nobles to restore the recently deposed king and requested that their young co-conspirators give them something in writing to prove their faith when they returned to Tarquinius to make arrangements for his restoration. The young men wrote up a set of codicils that proved their undoing. The day before the envoys were due to leave Rome they met with their fellow conspirators at the house of the Vitellii for dinner, where a slave named Vindicius overheard their plotting.³ The slave waited until the envoys had been given the letters, then went to the consul with the information, who then intercepted the letters and arrested the conspirators (Plut. *Publ.* 5–6). The consul then presented his information before the senate and the accused were condemned by their own hand. After the execution of the conspirators, Vindicius was rewarded not only with manumission but citizen rights and money; the rewards were intended to act, according to Livy, as a future deterrent against other conspiracies.⁴ The

essentially same story is told in Plutarch and Dionysius of Halicarnassus with some variations.⁵ Livy's version of this story is suspiciously similar to what we know about Catiline's conspiracy in 63 BC: there too, the plot was uncovered by the timely interception of letters after the consul had been informed that men within the city had been conspiring with some Gallic envoys, the Allobroges. Catiline's accomplices were caught red-handed with letters promising the Allobroges' assistance.⁶ These were then presented before the senate, and the conspirators were then arrested and executed.

The case of Spurius Maelius, again related in Livy, is equally problematic. Livy's account is as follows: in the consulship of Proculus Geganius Macerinus and L. Menenius Lanatus (440 BC), there was famine which Maelius sought to alleviate.⁷ To this end he bought grain from Etruria at his own expense and distributed it amongst the poor for free. L. Minucius was the *praefectus annonae* in the same year; as such, he was in charge of distributing grain to Rome's poor.⁸ It was in this capacity, since both Minucius and Maelius had dealings with the same grain merchants, that Minucius discovered from one of the grain merchants that there was a plot afoot. He then reported to the senate what he had discovered: Maelius had stocked his house with arms, held secret meetings there, and was clearly aiming for kingship. The senate acted by appointing L. Quinctius Cincinnatus as dictator, who picketed the city with guards and had his master of horse, C. Servilius Ahala, summon Maelius into his presence in the Forum; when Maelius tried to elude arrest, he was captured and executed.⁹ Minucius was rewarded, according to Livy, with an ox with gilded horns in a ceremony that took place before the Porta Trigemina.¹⁰ Any popular grumblings were staved off by Minucius' distribution of grain at a single *as per modius*. Dionysius of Halicarnassus gives a somewhat different twist to the story. In his version of the tale, Minucius won over an informant by promising immunity from prosecution for his prior involvement with Maelius.¹¹ The entire episode, as Livy tells it, reflects something of the demagoguery of C. Gracchus, the *popularis* politician who tried to ingratiate himself with the plebs only to be accused of aiming at monarchy and brutally killed at the hands of the senate in 121 BC, while the secret meetings and stockpiling of arms recall charges made during the Catilinarian conspiracy. The promise of immunity, mentioned by Dionysius, further recalls similar grants of amnesty made during Catiline's plot.

We may well doubt some of the other early cases in which informants play a significant role in maintaining state security, such as a slave conspiracy purported by Livy to have been hatched in 420 BC, in which slaves inside the city planned to set fire to various buildings and then seize the Capitol while the people were occupied with the fire (Livy 4.45.1–2). The plot was checked when two slaves laid information (before which magistrates we are not told), and received 10,000 *asses* (a large sum for the time, notes Livy) from the public treasury (*ex aerario*) and their freedom. Nearly a century later (331 BC), there was another conspiracy against the state reportedly nipped in the bud by a slave (Livy 8.18). Leading citizens were showing certain signs of disease that, in

nearly every instance, proved fatal. A serving maid went to the curule aedile Q. Fabius Maximus and reported that she could disclose the cause of the epidemic, but requested that her testimony cause her no injury, a request granted by the senate and consuls, to whom Fabius referred the case. She then disclosed that the epidemic was the result of poison brewed by some noble women, who were then caught in the act of brewing the poisons and forced to prove their innocence by drinking it, resulting in their deaths. In the wake of the conspiracy, other servants were forced to turn informant against their masters. The last of these instances, as Ogilvie notes (1965: 603) may or may not be true, since it seems rather sensational, and with the first case there is an anachronism, since rewards would not have been paid at this period, argues Ogilvie, from the *aerarium*. When the phenomenon of informing arises early in Livy's history, it can at times appear anachronistic, implausible, or influenced by later historic events.

With the approach of the Punic Wars, we are on a more secure footing due to the nature of the sources on which Livy could now draw. Livy plausibly indicates later in his history that, especially during the stress of war, slaves, motivated by rewards of freedom and money, supplied something akin to a state security apparatus, *ad hoc* and arbitrary though it was. Livy records that during the Second Punic War in 210 BC a major fire in Rome broke out simultaneously in several places, and hence was of a very suspicious nature (26.27.1–9). Rewards for any information leading to the capture of the culprits were announced: for slaves it was freedom, for the free, money. The offer induced a slave, Manus, to report that the fire was the work of his master and five young noble Capuans whose fathers had been executed by Fulvius, the commander in charge of operations at Capua. Manus also reported that more fires were planned unless they were arrested. Arrested they were, although they tried to cast doubt on the credibility of the informer, to no avail; Manus received his freedom and 20,000 *asses*.¹² A parallel plot was brought to the attention of Fulvius Flaccus when at Capua during the Second Punic War: the Roman army of occupation was living in wattle and daub huts which the Capuans conspired to burn down (Livy 27.3). Some Capuan slaves told of the plot which resulted in the arrest of 170 Capuans and the freedom of the slave informants (with a 10,000 *asses* reward for each). Similarly, in 198 BC two more slaves turned informants, revealing a plot by some Carthaginian hostages and their slave retainers to start a general uprising against Rome by seizing Sestia during a festival, to be followed by the occupation of Norba and Circeii; the informants approached the praetor L. Cornelius Lentulus, who then ordered that the two slaves be kept under guard at his house, while he presented his information to the senate and corroborated their story.¹³ The senate declared a tumult, and sent an army out to check and crush the conspiracy, while the slaves were rewarded with 25,000 *asses* and their liberty, and the one free man involved received 100,000 *asses*; we are told further by Livy that the slaves' master reimbursed the treasury for this reward.¹⁴

The first well-documented conspiracy in which non-slave informants have a major role is the Bacchanalia conspiracy in 186 BC. The case again is related by Livy, who will have now been able to draw on Cato the Elder, a contemporary witness: the plot was brought to light when a recent initiate into the cult of Bacchus, P. Aebutius, started a liaison with a courtesan of noble lineage (*scortum nobile*) named Hispala Faecenia.¹⁵ Aebutius told Hispala he was about to be initiated and she did not take the news well, since rumor had it that initiation into the cult included acts of lewdness and debauchery; she made Aebutius give his word that he would not be initiated. But then Aebutius' mother got into the act; she did want him initiated, and now, piqued by his refusal, threw him out of her house. Aebutius sought refuge with his aunt Aebutia, who, upon hearing the whole story, grew alarmed not only at his proposed initiation, but at the very existence of such a cult. At her urging, he now took the information of the cult to the consul Postumius. The consul acted swiftly in his investigation, first interrogating Aebutia herself, then summoning Hispala, to whom he promised no need for alarm if she told what she knew. At first Hispala was reluctant, fearing the wrath of cult members, and Postumius had to promise her the protection of his house in exchange for information. After Postumius had interviewed both Hispala and Aebutius, he presented what he had discovered to the senate which then approved a general investigation of the cult, fearing it might lead to conspiracies of a more serious nature. Other informants were now enticed by rewards to come forward and name those involved in the cult, and at a public meeting the consul warned citizens to be on their guard, and concluded his speech with a decree (the gist of which survives in an inscription) promising rewards for those who gave information concerning any initiates of Bacchus, a situation which caused widespread panic – and turned numerous Roman citizens into temporary *delatores*.¹⁶ Those involved in the cult were to be denounced by informers before the consul, and it appears that both the consul and the praetors were involved in the individual hearings. When the inquisition concluded, a senatorial decree granted the extraordinary reward of 100,000 *asses* apiece from the public treasury to Aebutius and Hispala. Aebutius, moreover, was exempted from military service, and the censor was requested not to assign him a horse at public expense without his consent. Hispala was given the right of giving away or alienating property, of marrying outside her gens, and a choice of guardian; she was further granted the right to marry a man of free birth who would receive no disgrace for marrying her, and the consuls and praetors currently in office were ordered to see that no harm come to her in the future. In addition to Hispala and Aebutius, the question was then raised of impunity and rewards for other informers, something left to the discretion of the consuls.

The best documented conspiracy in Rome's entire historical record, republican and imperial, is the plot of L. Sergius Catilina in 63 BC.¹⁷ Catiline, a disgruntled noble who had lost his bid for the consulship, planned a *coup* against the state; by the time his plot was discovered, it had advanced enough

for an entire army to have been raised in northern Italy. In addition, a network of accomplices were present in the city to assist the plot through assassination and arson. It was one of his allies within the city, a man named Q. Curius, who, unfortunately for Catiline, divulged his plans. Details of how Curius came to act as an informant are sketchy and the chronology of the whole affair a matter of dispute. What our sources tell us in a nutshell is that Q. Curius was having an affair with a woman named Fulvia, and boasted to her of his involvement in Catiline's revolutionary designs; she was unable to keep the news to herself, and the rumor took off, inspiring fear amidst the populace.¹⁸ The anxiety the rumor caused helped Cicero get elected to the consulship.¹⁹ It appears that Cicero was well along in his term of office, however, before the plot was sufficiently advanced for him to take action; events began to snowball in October of 63. On the 20th of that month, M. Crassus handed over some incriminating letters to Cicero written by C. Manlius, one of Catiline's accomplices who had gathered an army at Faesulae. They were addressed to his fellow conspirators within the city. Rewards were now offered to any informants who came forward concerning the plot.²⁰ The reward was 200,000 sesterces for free men, for slaves it was manumission and 100,000 sesterces – a substantial sum in comparison to the rewards of the Middle and Early Republic.²¹ Amnesty was also offered to any informant involved in the plot. Despite the rewards proffered, no one came forward at first (Sall. *Cat.* 36.5). Cicero was left to rely upon Fulvia, now working as an agent in Cicero's employ, to ascertain Catiline's intentions, though eventually she may have persuaded Curius to assist her, for he soon volunteered information and began to name names. It was Curius, according to Sallust, who warned Cicero through Fulvia that two members of the conspiracy, C. Cornelius and L. Vargunteius, would seek entrance to Cicero's home in order to assassinate him.²² Curius' betrayal foiled the attempted murder, which took place on 7 November. About two weeks went by, during which Catiline had an agent, P. Lentulus, recruit support of a Gallic tribe, the Allobroges, some of whose envoys were in Rome at the time. Catiline and his accomplices no doubt thought that they would lend valuable support to the army that he was currently amassing in northern Italy. The Allobroges were at a loss, once approached by the conspirators, what to do (App. *BC* 2.4). It was the inducement of rewards, Sallust notes, that helped the Allobroges to decide to inform Q. Fabius Sanga, their patron in Rome, that they had been approached by some of the conspirators (Sall. *Cat.* 41–2). Sanga in turn went to Cicero, who then used the envoys as agents; they were instructed to show great interest in the scheme in order to gather as much information against the conspirators as possible. On the night of 2 December, some of the conspirators, including Volturcius, left the city with certain missives in their possession which, as it turned out, were highly incriminating; as they left the city, passing over the Mulvian bridge, the praetors, who were waiting with a contingent of men in ambush, arrested them and also intercepted their letters.²³

The next day, 3 December, those arrested at the Mulvian bridge were brought into the senate. Volturcius was the first, who was led into the senate by Cicero without the Gauls, and promised amnesty and rewards in return for information concerning what he knew about the plot, and he complied.²⁴ Subsequently, other informants, including the Allobroges, were introduced into the senate.²⁵ To corroborate what the informants had to say about the plot, Cicero now produced the letters taken during the arrest at the Mulvian bridge. So confident was Cicero of their contents that, in a dramatic gesture, he presented them to the senate with the seals unbroken; these verified the informants' versions of the plot that they had told in the senate. Lentulus, Cethegus, Statilius, Gabinius, and Caeparius were all impugned, arrested, and held in detention at the homes of individual magistrates while their guilt could be corroborated.²⁶

On the first day, all had gone well. The informants had proved reliable, their stories had been verified and several of the main conspirators arrested. The same cannot be said for the next day, however, when it appears other informants came forward who were prepared to exploit the situation for the sake of political vendettas or profit. L. Tarquinius was the first to appear before the senate on 5 December; like Volturcius, he demanded a pledge of immunity before laying information.²⁷ At first his information appeared on the level, supported by the evidence discovered thus far; his story became suspect, however, when he implicated M. Crassus as one of the conspirators. He was promptly cast in chains, allowed no further opportunity to speak, and adjudged to have presented false information; but the damage had been done, and he left a question in the mind of many concerning his motives and possible backers. Crassus and his supporters tried to undo the damage by putting it abroad that Tarquinius had been put up by Cicero to harm Crassus politically. If this is true, it would not be an isolated instance of powerful men putting up false informers to damage their political opponents during the turmoil of the Late Republic, but the episode remains at best nebulous. Q. Catulus and C. Piso also tried but failed to make political hay out of the situation by approaching Cicero and attempting to persuade him to put up an informer to bear false witness against Caesar (Sall. *Cat.* 49). Both had powerful motives for such action: Piso had been prosecuted by Caesar in 63 for *repetundae* after his governorship of Cisalpine and Transalpine Gaul, while Catulus had been incensed at his defeat by Caesar for the office of *pontifex maximus* in that same year. Cicero, however, refused their request.

By late January of 62 BC, the main conspirators were dead, although even the sight of Catiline's head, brought in triumph to Rome, did not alleviate the anxiety felt throughout the city. Informants continued to come forward, and in early 62 the denunciations and punishments continued (Dio 37.40.2–41; Suet. *Jul.* 17). At some point during the uncovering of the conspiracy a special commission was set up with a *quaesitor*, or special investigator, Novius Niger, put in charge of the investigation, whose duties included the acceptance and

verification of any information pertaining to the plot.²⁸ It was now that Vettius, a soon to be notorious informant, came forward.²⁹ Himself a partisan of Catiline's, he now obtained a pledge of immunity and proceeded to accuse a number of men whose names he wrote on a tablet and submitted to the senate. He then asked for the privilege of adding still more names to the tablet, which he was refused; the senate allowed him instead to give more names orally, and this brought him under suspicion. It did not help matters when he, along with Q. Curius, denounced Caesar: Curius evidently alleged that his information implicating Caesar came directly from Catiline, while Vettius offered to produce a letter to Catiline in Caesar's hand.³⁰ Caesar appears to have discredited both informers by pointing out that he himself had revealed certain details of the plot to the consul, causing Curius to forgo his reward and Vettius to be imprisoned after his bond was declared forfeit.³¹ Eventually, early in the year, in order to alleviate the anxiety of those fearing denunciation (rightly or wrongly), the senate decreed that a list of all those denounced by informers be published (Cic. *Mur.* 85; Dio 37.41.4). In the conspiracy's aftermath, rewards were subsequently paid out (Sall. *Cat.* 30.6; 50.1; cf. Cic. *Cat.* 4.5).

APPENDIX 4

Informants, prosecutors, and the proscriptions

Delatio was for some an ugly reminder of the proscriptions which had taken place in the course of the civil wars, as one sees in the case of Seneca in his description of the prosecutions after Sejanus' fall (see above, pp. 97–8). Similarly, Juvenal's scholiast also compared *delatores* to accusers active in the proscriptions (1.34 [Valla]; 1.34.2). It was a misreading of their own history. At no point during the Principate (as far as we know) was there anything comparable in scale to the proscriptions of the Late Republic.

The proscriptions of Marius and Sulla and the *dominatio* of Cinna offered opportunities for both informants and accusers to exploit the political conflicts and enmities of those times. An indication of this appears first in the proscriptions Marius and Cinna carried out in 88, after Sulla's departure for Asia. Unfortunately, our information for this period is meager, merely offering a taste of what was to come under Sulla. We know that the first thing Marius and Cinna did, once Sulla was out of the way and they were in control of the city, was to send out spies to inform on their political enemies.¹ False accusers and informers were suborned to help liquidate political opponents; few specific instances are known, and there may not have been in fact that many, although we are told that their victims included Merula, the priest of Jupiter, and Lutatius Catulus. Both were put under secret surveillance, and summoned to court the very day of their "trial," but chose suicide instead of facing their ordeals (App. BC 1.74). Plutarch reports that Marius' violent political persecution created a fearful atmosphere in the city as a result of the activities of informants and the rewards offered for denunciation of political enemies (Plut. *Mar.* 43–4). The case of M. Antonius was perhaps particularly unnerving: an anonymous friend who was hiding Antonius at his house sent a slave out for wine and the slave "innocently" revealed whom his master was hiding. The vintner then laid the information before Marius, and the denouement was Antonius' decapitation. It was a dangerous business, however, and Cicero indicates that at least some justice was served against Marian informants later under Sulla.²

Sulla's proscriptions and the attendant activities of accusers and informants are better documented than those of Marius and Cinna, but we are still in the realm of the vague. Cicero's *pro Sex. Roscio Amerino* compares the activity of

accusers to the slaughter at Trasimene (*Rosc. Am.* 89–90). He refers to the Marii, Curtii, and Memmii, who were cut down, but while he is long on rhetoric he is short on specifics. Beyond Cicero's rather general assertions, we do actually have some names of informants and accusers who worked on Sulla's behalf, such as Erucius and Chrysogonus, and some hard information concerning the implementation of the proscriptions.³ Upon Sulla's return to Italy and his victory over his opposition in late 82, he began a vicious political pogrom unique, up until that time, in Rome's history.⁴ Appian states that Sulla offered prizes to assassins and rewards to informers, and threatened with punishment those who concealed the proscribed (*App. BC* 1.95; *Plut. Sull.* 31.4). Any not immediately hunted and slain suffered the ordeal of a criminal prosecution first or trial *in absentia*. Charges accusers brought up under Sulla included exercising military command, contributing money, rendering service, or giving counsel against Sulla; also ties of hospitality, private friendship, and the borrowing or lending of money were suspect and subject to prosecution (*App. BC* 1.96). The amount of the reward for simply informing was 12,000 drachmas, although the reward for killing one of the proscribed was two talents, at least according to Plutarch (*Sull.* 31).⁵ The activities of informants and accusers were facilitated by the publication of names on lists which were posted throughout Italy, and, to ensure that none escaped, informants (*zetetai*) were sent throughout Italy to seek out any in hiding and appropriate their property.⁶ Sulla's political program, which called for the cancellation of debts and the promise of land for veterans, exacerbated the situation, since debt liquidation was to entail the violent elimination of money lenders, while the promise of land for veterans meant the destruction of political enemies who owned rich landed estates which could be purchased for a nominal price and redistributed after their death or exile; in the case of both the money lenders and rich estate owners, there also appears to have been opportunity for the purchase of their goods on the cheap.⁷ Though anecdotal, the quip by Q. Aurelius is perhaps telling of the motives behind the activities of informants and accusers during the Sullan proscription: seeing his name on the list of the proscribed, he is reported to have remarked, "My Alban farm has denounced me" (*Plut. Sull.* 31.6). Adding fuel to the fire was Sulla's larger political program which the proscriptions served, since they ultimately helped not only to eliminate political enemies, but also to increase the number of his *clientes*, the slaves of the proscribed coming under his patronage. The numbers of dead or disenfranchised left in Sulla's wake are disputed, and most of the victims (and assailants) remain anonymous.⁸ Nonetheless, there are several notorious denunciations from the period which are well documented.

A taste of what was to come upon Sulla's return from Asia had already been given to the city in 88 when, after he drove the Marian faction out of the city, he conducted a "search and destroy" operation against Marius' political supporters, including P. Sulpicius Rufus, the tribune who had attempted to abrogate his command in Asia in favor of Marius.⁹ Sulpicius had gone into hiding at one of his country estates, but was discovered after one of his slaves

laid information against him (*indicio servi*); Sulpicius was dragged out and killed, and the slave given a reward then thrown from the Tarpeian Rock for betraying his master. Later on, slaves were rewarded for such action, and during the most virulent period of the proscriptions in early 81 slaves appear to have made up a substantial number of informants (despite the supposed law which prohibited slaves from acting as such against their masters), and were given their freedom in exchange for their denunciation of their masters.¹⁰ The most famous of those Sulla attacked was Julius Caesar, who managed to save himself by bribing Sulla's informants to keep quiet, a situation which will have likely repeated itself during the proscriptions, provided that the resources of the proscribed allowed it.¹¹ Chrysogonus was one of the more notorious of the informants under Sulla. It was he who laid information about an estate belonging to Sex. Roscius of Amerinum, whose father (also named Roscius) had recently died, and who tried to cheat the son out of the estate by putting the name of the dead man on the list of the proscribed (this despite the fact that Roscius' father was a Sullan partisan), in order to purchase the estate for a mere 2,000 drachmas, when it was valued at 6,000,000 sesterces (*Rosc. Am.* 6). Sulla let Chrysogonus go ahead with the prosecution of the younger Roscius, although Chrysogonus himself appears to have stayed somewhat in the background, putting up Erucius to conduct the actual prosecution against Roscius, whom he accused of patricide (*Rosc. Am.* 132). And even behind Chrysogonus, Cicero (who studiously separated Chrysogonus from Sulla) was able to trace part of the affair back to some local petty informers with something to gain from Roscius' loss (*Rosc. Am.* 105–8). Cicero's defense at least reveals plausibly that informants and accusers at this period were greedily able to exploit the political situation to satisfy petty, local vendettas, taking advantage of the chaotic conditions which prevailed during the proscriptions. One informant, a certain Sextus Naevius, was described as skilled at proscribing the estates of kinsmen.¹² Given the nature of Roman wealth, which was mostly held in land rather than money, it would not be surprising if the owners of rich rural estates fell victim to less wealthy neighbors who could identify both the proscribed and their land, and who would have stood to gain from denouncing the owner.

After Sulla, there was a long respite. Octavian's entry into political life was to revisit the horror of the proscriptions, which was to supply historians and rhetoricians with entertaining, if sanguine anecdotes for years to come.¹³ Once again, lists of names were published, and rewards offered (*App. BC* 4.7).¹⁴ Informants were as active against those who concealed the proscribed, as against the proscribed themselves (*App. BC* 4.7), and there were those like Chrysogonus before them, ready to exploit a resurgence of tyranny and bloodshed for their own profit: creditors feared debtors; neighbors, covetous of each other's property, feared one another; masters feared their slaves, and private grudges were settled.¹⁵ Some were solicited to turn informant, refused, and were executed (*App. BC* 4.51). The historical record is ambiguous as to whether even a pretense was made of justice. Hortensia, in a famous speech

made against the triumvirs, deplores the use of informants and accusers in the confiscation of goods (App. BC 4.33). The reference to accusers would seem to imply some sort of due process, but this appears contradicted elsewhere by Appian, who indicates that even *pro forma* trials did not take place (App. BC 4.69; 4.95). We may be suspicious of the apologetic tone our sources take in all of this for the young Octavian's role. The proscriptions appear to have continued for some time, and the exploitation of the situation only ended after Octavian put down Lepidus' revolt in Sicily, in 36. It was then that Octavian reportedly burned the writings containing evidence concerning the involvement of others in the civil strife, in order to put a check on accusers and informants in general.¹⁶ Suetonius supports Appian's account, stating that after the civil wars many pernicious practices that went against the interest of public security remained. Octavian reestablished public confidence by declaring a general amnesty of men under accusation, and set in place regulations discouraging further prosecutions (Aug. 32.2).

GLOSSARY

- ab epistulis** the emperor's personal secretary.
- aerarium** the state treasury.
- ambitus** electoral corruption in the form of bribery or illegal canvassing for office. A charge for *ambitus* is one *de ambitu*.
- a rationibus** the emperor's exchequer in charge of personal accounts.
- bona caduca** property which cannot be accepted by an heir or legatee, and therefore reverts to the state.
- calumnia** false or malicious accusation.
- centumviral court** Rome's civil court.
- cognitio** a preliminary investigation.
- coniuratio** conspiracy.
- consilium** an informal group of friends and advisers constituting the emperor's inner circle.
- curator aquarum** the imperial official in charge of maintenance of the aqueducts.
- curio maximus** one who presides over a curia (i.e. a senate, which could refer to the one in Rome or a local one as well).
- divinatio** a preliminary hearing set to determine who had the strongest claim to prosecute a case.
- decemviri** a board of ten officials in Rome with various duties, including those of a legal nature.
- decemviri stlitibus** a judicial board whose task it was to adjudicate law suits and damages therein.
- delatio** the act of making the initial denunciation of the accused or the act of prosecution itself.
- deportatio** exile, usually of an insular nature.
- dies nefas** a day on which all business was suspended out of religious observance or due to ill omen.
- duoviri** a board of two men, with various legal, military, and religious duties.
- eques** a knight whose wealth was estimated to be at least 400,000 sesterces.
- falsum** the charge of committing fraud or forgery; the formal charge for such an offense would be one *de falsis*.

- fiscus** the emperor's personal treasury.
- fratres Arvales** a college of twelve priests who sacrifice annually to Dea Dia to ensure a good harvest.
- honestior** a person of high status whose rank allowed him or her certain privileges and considerations in the event of condemnation for a particular offense.
- humilior** an individual of lower status subject by law to harsher penalties for the same offense committed by an *honestior*.
- impietas** the charge of showing disrespect towards the godhead of the emperor.
- incestum** incest or illicit relations with a family member; also breach of chastity.
- index** usually an informer who is involved in nefarious activity and divulges information about a crime or plot with a view to gaining immunity from prosecution.
- infamis** refers to a person of low status, e.g. an actor or a pimp (*leno*) who lacks certain legal rights.
- inimicitia** enmity.
- inquisitio** an investigation.
- intra cubiculum** refers to a trial that takes place with minimal participation by the senate within the emperor's private quarters.
- ius perorandi** the right of making the initial presentation in a trial.
- kategoros** the Greek word for informant or prosecutor.
- ktistes** appellation applied to one who undertakes major construction in a city of the eastern provinces; its literal meaning is "builder" or "restorer."
- libertus** a freedman.
- magister sodalium** the head of an association or fraternity which met for social or religious purposes, e.g. a *sodalis Augustalis* = a member of the cult of the divine emperor Augustus.
- maiestas** treason. One charged for this offense was charged under one of the *leges de maiestate*.
- munia publica** one's public obligations which could extend to the obligation to hold public office.
- municipalis** a man from the provinces, or, more commonly, from a town, especially in Italy, i.e. from a *municipium*.
- novus homo** a man who was the first in his family to reach the senate.
- ordinarius** the title given to the consul who entered office on 1 January; the *ordinarius* was more prestigious than the consul *suffectus*.
- praefectus aerarii Saturni** the chief official of the state treasury.
- praefectus annonae** the chief official in charge of Rome's grain supply.
- praemium** (pl. *praemia*) a reward or perk stemming from prosecution.
- praetor peregrinus** a judicial official who handled lawsuits in which one or more parties was a provincial.
- praevaricatio** collusion on the part of an attorney with the opposing party.

- princeps** a republican term used to refer to the most prestigious man in the senate (*princeps senatus*), later a name bestowed on the emperor.
- publicanus** a tax collector in the provinces.
- quadruplator** the term used during the Republic to refer to a malicious prosecutor.
- quaestio** a law court set up to adjudicate a specific type of offense.
- quindecimviri sacris faciundis** a board of fifteen men, one of the priestly colleges in Rome.
- recipitatores** a board of assessors in charge of settling disputes between Romans and provincials.
- relegatio** banishment from Rome for a given distance (not necessarily with any loss of civic rights).
- repetundae** the term refers to the crime of extortion by a provincial governor, but can also refer to other pecuniary offenses committed usually, though not always, while holding public office.
- res novae** the charge of conspiring to revolution (*moliri res novas*).
- septemviri epulo** a college of seven priests who supervised sacrificial banquets to the gods.
- sicarius** an assassin; one charged for murder would be charged as such under any number of *leges de sicariis et veneficis*.
- sodalis** the member of an association or cult (see above, *magister sodalium*).
- subscriptor** an assistant prosecutor or a fellow prosecutor with a lesser role in a given case.
- suppositio** the attempt to pass off an illegitimate child as one's own for the sake of escaping penalties under various laws such as the *lex Papia Poppaea*.
- temeritas** the act of making a rash accusation.
- tergiversatio** abandonment of a prosecution.
- vacantia** *bona caduca*.
- veneficus** a poisoner (see *sicarius*).
- vis** violence. One charged for such an offense would be charged *de vi*.

NOTES

1 INTRODUCTION

- 1 Contra Rudich 1993: xxiv–xxvii, 241, who perhaps discounts too much the ethos of the Republic.
- 2 And now see Epstein's work (1987) on *inimicitia* in Roman politics during the Republic.
- 3 See e.g. Bauman 1967; 1974; 1989; Syme 1958. It is perhaps surprising that, while the OCD includes an entry for sycophants, *delatores* are absent.
- 4 But see Fanizza 1988. Boissier's studies, 1875; 1911, tend to be documented inadequately and omit any detailed cultural analysis of the deeper forces impelling delation.
- 5 Boissier 1911: 220–47 gives a rather superficial summary of *delatores* under Augustus and Tiberius – including brief prosopographical summaries.
- 6 *PIR* references for the main defendants are cited for the most part throughout the individual *vitae* in Part II.
- 7 See e.g. Gruen 1968; Bauman 1967; 1974; Alexander 1990.
- 8 See esp. Woodman and Martin 1996: 117; Damon 1999: 143–62; Talbert 1999: 95–6; cf. Ducos 1991: 3184, who notes the difficulties in our sources; cf. Köstermann 1955: 106.
- 9 Nonetheless, we tend to agree with Rogers 1959: 90–2 that Roman law was essentially conservative and generally speaking did not change radically between our own period and the time of Justinian when it was compiled.
- 10 See e.g. Cic. *Brut.* 277; *Flac.* 21 (*nomen deferre* or *deferre* to inform). For *nomen deferre* as referring to a prosecution see e.g. Cic. *Mur.* 62; *Pis.* 82; *Ver.* 2.68 (and cf. 2.90). For this verb signifying both activities see e.g. Cic. *Cael.* 56, 76.
- 11 Cloud 1992: 159–86 cites fifteen literary references to *quadruplator* apart from the Plautus passage: *Rhet. Her.* 2.41; 4.65; Cic. *Div. Caec.* 24, 68; *Ver.* 2.21, 22, 135; Livy 3.72.5; Sen. *Ben.* 7.25.1; Apul. *Apol.* 89; Aur. *Vict. Caes.* 35.7; *HA Anton. Pius* 7.2; *M. Anton.* 11.1; Aur. 39.3; Sidonius *Ep.* 5.7.3. Cloud 1992: 182–3 notes that the word could be an archaism and have gone out of normal use by the mid-first century BC. The Greeks had a number of equivalent terms which could refer to a malicious accuser, including *kategoros*, *sykophantes*, *pseudomartys*, *menytes*, and their verbal equivalents.
- 12 See Fanizza 1988: 20 for discussion. The *index* also seeks immunity (even reward) by denouncing those involved in a crime with him (or her). Our sources, however, are not always so clear in their distinction; see David 1986: 78–80 for discussion of the distinction between an *index* and *delator*; cf. Quint. *Inst.* 7.2.54, who does not

- appear to make a distinction between an *index* and a *testis*; also see Juv. 10.70, where *index* = *delator*.
- 13 As was the case with Antonius Natalis, an *index* in the Pisonian conspiracy, who denounced the plot in exchange for immunity, see Tac. *Ann.* 15.56. There is more to Tacitus' presentation that leads us to consider him a *delator*, namely his false implication of Seneca and Tacitus' labeling him *peritior arguendi*. Natalis' malice places him amongst our *delatores*. Many who act as *indices*, however, do so against their will, and malice and profiteering are absent. *Indices* who are not *delatores* would include those such as Minucius Thermus, Q. Servaeus, Julius Africanus, and Seius Quadratus, all *indices* in the wake of Sejanus' fall (Tac. *Ann.* 6.7). There is no hint of spite or cupidity behind their motives, only survival, and Tacitus' portrayal – and senatorial opinion – was sympathetic towards them.
 - 14 Before Titus' reign the word is attested to only three times in the literary record, twice in Livy (42.17.3; 45.31.10), and once in Seneca the Younger (*Dial.* 4.7.3); the word occurs three times in Martial (*Sp.* 4.4–5; *Epig.* 11.66.1), but there are ten occurrences of the word in Pliny (*Ep.* 2.16.3; 4.9.5; 6.31.3; *Pan.* 34.1; 34.3; 35.1–2; 36.1–2; 41.1), eight in Quintilian (*Inst.* 3.10.3; 9.2.74; *Decl.* 3.2; 3.8; 333.15; 16 [bis], 18), thirteen in Tacitus (*Hist.* 1.2.3; 2.10.2; 4.6.1; 4.42.4, 6; *Ann.* 2.50.1; 3.25.2; 3.49.1, 3; 4.30.5; 6.40.4; 12.59.4; 13.21.9), twelve in Suetonius (*Tib.* 45; 61.3; *Cal.* 15.4 [bis]; 30.2; *Claud.* 44.1; *Nero* 10.1; 32.2; 44.2; *Tit.* 8.5; *Dom.* 9.3; 11.1), and four in Juvenal (1.33; 3.116; 4.48; 10.70).
 - 15 See Avonzo 1957: 72 n. 36 for the legal distinction between a *delator* and an *accusator*. Theoretically, the *delator* simply limits himself to the denunciation, helping the accuser without any actual role in the court case itself.
 - 16 See e.g. Tac. *Ann.* 4.30.3–5; cf. Cloud 1992: 184 for the various synonyms of *delator*.
 - 17 Hence Egnatius Celer, the *testis* against Barea Soranus, clearly comes under the rubric of *accusator*, Tac. *Hist.* 4.40.3. Tacitus also refers to Eprius Marcellus as the *delator* *Thraseae*, *Hist.* 4.6.1, although it was Cossutianus Capito who had denounced Thrasea to Nero in private. For Tacitus, the *delator* and *accusator*, *delatio* and *accusatio*, are virtually identical; see esp. *Hist.* 2.10.1–3.
 - 18 For example, P. Vitellius, a companion (*comes*) and avenger of Germanicus, one of Cn. Piso's accusers in 20, is surely not considered a *delator*, see *Ann.* 3.10.1–3.
 - 19 Taking a cue from Christ 1998: 12, who argues that Athenian discussions of legal excess and abuse are “given to polemic, abstraction, utopianism, and ideological manipulation”; cf. 11: “The prominence of rhetoric, image, unsubstantiated generalization, and polemic in the American discussion of excess and abuse in litigation should alert one to the possibility that in other societies too such discussion may not be a straightforward reflection of a historical problem or crisis, but rather part of a discourse about complex aspects of legal experience.”
 - 20 For the conflict between Tacitus' rhetoric and the actual circumstances of a case also see Martin 1981: 136, citing *Ann.* 4.30.
 - 21 For discussion of this passage see Sinclair 1995: 118–19; Walker 1960: 90; Raaflaub 1987: 5; for *egens* as expressing a negative social category with clear class associations see MacMullen 1974: 138–9, who cites a “lexicon of snobbery” for creating such distinctions. This “lexicon” was diametrically opposed, on the other hand, by a “vocabulary of privilege,” see Garnsey 1970: 221–33 for the social and legal implications of such language.
 - 22 Abudius Ruso, for example, is never called a *delator*, but his denunciation of his legionary commander, Lentulus Gaetulicus, coupled with Tacitus' remark that he was still low in the *cursus honorum*, make it clear that Tacitus and his contemporaries considered him as such, see *Ann.* 6.30.2. Freedmen in the imperial court who denounced those of higher status could come under this rubric too, such as Helico,

- Gaius' freedman, see Phil. Leg. 166–78. Courtiers on the make, such as L. Vitellius the Elder, also fall under this definition, see Tac. Ann. 12.4. Vitellius seems, however, to straddle the border between malicious courtier and *accusator*, and it is with this dubious status in mind that I put a question mark next to his name in the second section.
- 23 See e.g. the case of Ancharius Priscus (also cited by Martin 1981: 136 in this regard), who charged Caesius Cordus with *maiestas* and *repetundae* in 21. Tacitus prefaces the case with the following sentence: "Neither Tiberius nor the accusers were growing weary. Ancharius Priscus also accused Caesius Cordus of provincial maladministration, with a treason charge added (*addito maiestatis crimine*), then an addendum of all prosecutions," Tac. Ann. 3.38.1. There is no evidence that the *maiestas* charge was accepted, Cordus was simply condemned for *repetundae*. Tacitus maligns Ancharius to further his portrayal of Tiberius as tyrannical, presenting the accusation as part of a series of prosecutions, including Cestius Gallus' (*q.v.*) legitimate case against Annia Rufilla, and Calpurnius Salvianus' (*q.v.*) case against Sextus Marius, which was dismissed and the accuser punished. For a similar distortion cf. Ann. 1.74.1–3; 4.30.5–4.31. For discussion of Tacitus' confusion of fact versus impression, see Mellor 1993: 40–4, esp. 43; McAlindon 1956: 116; Rogers 1934: lii–liii.
 - 24 See e.g. Caecilianus' *vita*; cf. the scholiast to Juvenal 4.50, where a *delator* is synonymous with a *calumniator*.
 - 25 Cf. Rudich 1993: 241: "Much depended on individual character and on the circumstances of the moment ... [the conditions of the period] allowed extraordinary inconsistency in political performance." Rudich, however, is among those who refer, mistakenly I believe, to the "profession" of *delatores*, 1993: 135.
 - 26 Also see Walker 1960: 65 for a discussion of the "forcible metaphors" used in describing *delatores*: "delators are frequently described in forcible metaphor; apart from the familiar ideas in 'voce vultu oculis ardesceret' (Ann. XVI.29.i) and 'ingruentes accusatores' (III.56.i; VI.38.ii) there are such striking phrases as 'fraudibus involuti, flagitiis commaculati' (XVI.32.iii) and the audacious 'ut quis destructior accusator' (Ann. IV.36.v). This is a bolder version of the idea in 'quod velut telum corripuere accusatores' (XVI.27.iii)."
 - 27 For the activities of *delatores* as tantamount to *scelera* see Tac. Agr. 45.1; Ann. 4.29.2; 4.52.2; 4.68.2; 6.48.6; 13.43.5; 15.35.1; cf. Plin. Ep. 9.13.2; Pan. 34.1 (*delatores* = *latrones* [brigands]); cf. Quint. Inst. 12.7.3; also 12.1.2–3; 12.1.8–10; 12.1.24–5; 12.6.9. For *delatores* as standing outside the laws also see Tac. Ann. 4.19.3; cf. Martial's remarks concerning Massa (possibly to be identified with Baebius Massa) 12.29.
 - 28 Cf. Tacitus' description of Vibius Serenus the Younger as an *adulescens multis munditiis*, Ann. 4.28.2; see Woodman and Martin 1989: 163 for discussion.
 - 29 For Junius Otho see Tac. Ann. 3.66.4; for Cossutianus see Tac. Ann. 13.33.3; for *impudicitia* (shamelessness) see Tacitus' portrayal of L. Vitellius the Elder, Ann. 11.3.2.
 - 30 For *condemnator* see Tac. Ann. 4.66.1; for *criminator* see Ann. 4.12.6; cf. Mart. 11.66.1; the label is synonymous with *falsus accusator* (see Tac. Ann. 12.59).
 - 31 Cf. Christ 1998: 1 citing Dem. 55.30 and 48.56 for litigation as a disease or madness.
 - 32 See Goodyear 1981: 265 for discussion. For similar imagery see Tac. Ann. 3.28.5–6: *sed altius penetrabant urbemque et Italiam et quod usquam civium corripuerant, multorumque excisi status. et terror omnibus intentabatur, ni Tiberius statuendo remedio quinque consularium, quinque e praetoriis, totidem e cetero senatu sorte duxisset*. The words *altius penetrabant, corripuerant, excisi*, and *remedio* reinforce the image of disease. The verb *corripuerant* is a favorite of Tacitus' in depicting *delatores*; see Ann. 2.28.4;

- 3.28.5; 3.49.1; 3.66.2; 4.66.1; 6.40.4; 12.42.4; *Hist.* 2.84.1. The word has several definitions: 1. To seize or to pounce on (*OLD* 1). 2. To seize by unlawful means (*OLD* 3), or to take by force (*OLD* 3b). 3. To catch fire (*OLD* 1d). 4. To sweep off or carry away in a torrent or whirlwind (*OLD* 4). 5. To attack suddenly, esp. in reference to disease (*OLD* 5). Tacitus also uses the image of disease to describe the activities of accusers in 22 when he depicts them as *ingruentis*, a word generally used to refer to the onset of illness, *Ann.* 3.56.1; cf. 6.38.2; see Woodman and Martin 1996: 414–15 for a detailed discussion of the above passage and the use of *ingruentis*.
- 33 See Woodman and Martin 1989: 240–1 for discussion. Tacitus used a similar image again in the wake of Sejanus' fall, *Ann.* 6.7.4; cf. *Ann.* 11.6.3.
- 34 Cf. Tacitus' description of Egnatius Celer, *Ann.* 16.32.3; of Epirius Marcellus and Vibius Cripus, *Dial.* 8.3; of Cassius Severus, *Ann.* 4.21.5; cf. Tarquinius Priscus, who forces Statilius Taurus to endure *indignas sordis*, *Ann.* 12.59.3.
- 35 Cf. Tac. *Ann.* 4.29.2, where Serenus the Younger is "mad because of his crime"; cf. Pliny on Regulus, who has nothing to offer "except an insane talent," *Ep.* 4.7.4.
- 36 Cf. Pliny, who describes Catullus as a weapon Domitian used to hurl at the senate, *Ep.* 4.22.5; cf. Tac. *Dial.* 5.6; *Ann.* 4.30.5.
- 37 Cf. Sen. *Dial.* 6.22.5 on Satrius Secundus, who "feeds on human blood."
- 38 See Tac. *Ann.* 16.29.1; see *OLD* 1 *torvus*; cf. Sen. *Dial.* 6.22.5 (Satrius Secundus and his minions are "fierce hounds"); cf. Juv. 4.115, Catullus Messalinus is "a large and conspicuous monster" (*grande et conspicuum ... monstrum*), a characterization which, Ferguson argues 1979: 168 (citing Verg. *Aen.* 3.658), recalls Vergil's depiction of the Cyclops (a reference surely to Catullus' blindness). Technically, the blind were prohibited from prosecuting, see Dig. 3.1.1.5–6.
- 39 Cf. Raditsa 1980: 282 on Tacitus' discussion of the *lex Papia Poppaea*, who argues that the laws now meant the perversion of justice.
- 40 Indeed, Cicero in *Div. Caec.* 5 represents his prosecution as tantamount to a defense to secure the goodwill of his audience.
- 41 Bias against accusation was in place well before Cicero's own day. See Plautus' *Persa* 61–74; for discussion see Cloud 1992: 175–86.
- 42 On the violence inherent in oratory, see Rutledge 1999: 555–73 contra Winterbottom 1964: 90–7.
- 43 For the integrity of the orator see *Inst.* 1 *pr.* 13; 1.2.3; 2.15.1; 2.15.34; 12.1.3; 12.1.8–10; 12.1.23–5; 12.1.30, 32; 12.2.1; for "mercenary" eloquence see 12.1.24–5; cf. 12.1.1; 2.20.2.
- 44 For prosecution as acceptable for young men embarking on their careers and eager to build a reputation, see e.g. Cic. *Cael.* 76; Dig. 48.5.16.6; Tac. *Dial.* 34.7 citing Caesar's prosecution of Dolabella, Asinius Pollio's prosecution of Cato, and Calvus' prosecution of Vatinius. Also see Cic. *Off.* 2.49–50, citing L. Crassus, M. Antonius, P. Sulpicius, and C. Norbanus. For discussion see Dyke 1996: 432–5; Holden 1966: 310–12. Cf. Cic. *Quinct.* 51 (which seems to prefigure Regulus' comment concerning rhetoric in Plin. *Ep.* 1.20.14); *Div. Caec. passim*; *Rosc. Am.* 55, 57; *Cluent.* 11, 42; cf. *Ver.* 3.1; *Brut.* 130; Quint. *Inst.* 12.7.3; see Mommsen 1899: 189 n. 6; 490–4 for discussion.
- 45 See e.g. Cic. *Cael.* 2; cf. e.g. the case of Visellius Varro (*q.v.*) against C. Silius.
- 46 See esp. Tac. *Hist.* 4.42; see p. 126; cf. Aquilius Regulus' *vita*.
- 47 Cf. Juv. 1.49–50; Priscus extorted 7,000,000 sesterces during his proconsulship in Asia in 97–98, some of which he was compelled to pay back to the treasury; see Syme 1958: 500, 776 for discussion.
- 48 The *quaestio de sicariis* still appears to have been in use under Claudius, and the *de falsis* under Nero, but how active these were in senatorial cases is uncertain; see Robinson 1995: 7 citing Sen. *Apoc.* 14.1; Tac. *Ann.* 14.41. Tiberius noted that it

was an exception in 20 when the case of Germanicus' death was tried in the senate rather than in the courts, *Ann.* 3.12.10.

- 49 For adultery see *Suet. Aug.* 5; *Tac. Ann.* 2.85; 3.22–3; 4.42.3; 6.48; as Robinson notes 1995: 134 n. 76, *Tac. Ann.* 2.50 and 3.38 point to senators tried in the regular *quaestio*. For a detailed discussion of the senate acting as court see Jones 1972: 89–118; Talbert 1984: 460–87.
- 50 See Appendix 2 for detailed discussion; the death of the accuser normally annulled the accusation, except in serious cases, such as treason or extortion, see *Dig.* 48.16.15.3–4; *CodJ* 9.6.3.

2 POLITICAL AND SOCIAL ADVANCEMENT

- 1 For the careful regulation of seating at games see e.g. the *Tabula Heraclensis*, *CIL* 1.206 = *ILS* 6085.
- 2 For a similar depiction of *delatores* cf. e.g. *Tac. Dial.* 8.1–4; *Ann.* 1.74.2; *Plin. Ep.* 2.20.13–14.
- 3 Indeed, the scholiast to Juvenal 1.34.2 tellingly compares the *delatores* of the Empire, in terms of the cash rewards earned, to *delatores* (the scholiast's words) under Sulla.
- 4 See Weaver 1967: 3–4 for freedmen rising above their status; for slaves as informants see Schumacher's 1982 study.
- 5 For the transference of jurisdiction see Jones 1955: 464–88; Garnsey 1970: 20. The approximate date when the senate began to act as a court is problematic; see Talbert 1984: 460, who notes that the senate sat as a court as early as 43 and 40 BC, in the cases of Q. Gallius and Salvidienus Rufus (citing *App. BC* 3.95; *Suet. Aug.* 27 for Gallius; see *Suet. Aug.* 66; *Dio* 48.33.3 for Rufus). Talbert notes that Gallius' condemnation was left to the normal *quaestio*, although the senate passed a vote against him (citing *Dio* 53.23.7; *Suet. Aug.* 66). Talbert further notes that in some of the more sensational cases of Augustus' reign which entailed violation of the *lex maiestatis* or the *lex Julia de adulteriis*, the cases appear to have been tried in a *quaestio*, although the senate also could vote in the same cases for condemnation; such appears to have been the case, e.g. for his daughter Julia (citing *Vell. Pat.* 2.100.3–5; *Sen. Cl.* 1.10.3; *Tac. Ann.* 3.24; *Suet. Aug.* 65; *Dio* 55.10.12–16).
- 6 See Garnsey 1970: 19–20.
- 7 For the connection between economic and social advancement see MacMullen 1974: 88–120.
- 8 Walker 1960: 101 identifies three types of *delatores* based on class, "the decadent noble, the lowborn hanger-on, and the man too impatient for an honest career"; Boissier 1875: 198 long ago noted that *delatores* were represented by a wide range of social classes. For social distinctions between one who acts purely as an informant and one who acts as an *accusator*, see Avonzo 1957: 72–3, citing *Pseudo-Asc. in Divin.* 11.34.
- 9 *Tac. Ann.* 3.28.5, *multorumque excisi status*; cf. *Hist.* 1.2.3; *Plin. Pan.* 34.1, *nullius status certus*. Also see Walker 1960: 216; Levick 1976a: 103; Jones 1992: 118–19 for the place of class antagonism in *delatio*.
- 10 For the general disruption of the social bonds in Roman life during the proscriptions see *Val. Max.* 9.11.5–7; *App. BC* 4.7; *Vell. Pat.* 2.67.1–3 (concerning which, see Woodman 1983: 154).
- 11 *App. BC* 4.13–15; 4.23; 4.29; 4.47; cf. 4.95–6; *Dio* 47.9; for the breaking of familial bonds see *App. BC* 4.22; for the settling of a political grudge see *App. BC* 4.20; for betrayal of a patron by a client see *App. BC* 4.26. For discussion concerning the loyalty of slaves during the proscriptions both of Sulla and the second triumvirate, see Vogt 1975: 133–6.

- 12 See Ferrill 1985: 360, who notes that only five known provincials were allowed in the senate under Augustus, and these under extraordinary circumstances; cf. Ferrill 1985: 357 for a general discussion of Augustus and the senatorial order.
- 13 Although Suet. *Aug.* 39 says that Augustus actually forced *equites* to inform against one another during a senatorial census.
- 14 For provincials in the senate see Ferrill 1985: 361; to this we may add provincials who increased the senatorial rolls during the Early Principate, see Hammond 1957: 76, 81; cf. Devreker 1980: 261–4.
- 15 Such prejudice was deeply ingrained in Roman society, and was evident in the Late Republic as well; see Wiseman 1971: 173–6.
- 16 Tac. *Ann.* 1.74. It is not clear whether this description refers to Caepio or Hispo, the Latin is ambiguous.
- 17 See Marsh 1926: 242–3, 249 for discussion; Marsh also points out that *novi homines* and the lesser nobility were the ones to suffer after Sejanus' fall, not the higher aristocracy.
- 18 Tac. *Ann.* 4.52.2; 4.66.1; see Sinclair 1995: 134–5 for discussion.
- 19 Tac. *Ann.* 11.6.1. C. Silius in attacking the rewards of *delatores* under Claudius in 47 implies that the origins of the *delatores* he attacks are base: *Pulcherrimam alioquin et bonarum artium principem sordidis ministeriis foedari*; cf. Tac. *Dial.* 8.3.
- 20 As Levick 1990: 100 notes, these were the sort of new men who made themselves indispensable to the princeps, but also excited the ill will of their contemporaries.
- 21 There was arguably a mirror reaction by other *novi homines* such as Helvidius Priscus, who, as a conservative “reactionary,” appealed to the ancient traditions of the senate to a very different effect (see Melmoux 1975: 24 for discussion; cf. Vogel-Weidemann 1979: 94).
- 22 Cf. Levick 1976a: 190.
- 23 See e.g. Dio 52.32, who has Maecenas argue that wrongdoing ought to be brought before the most exalted members of the state, but issued a caveat that those of lower rank in the *cursus* ought not to vote on those of higher rank when they stood accused.
- 24 See Garnsey 1970: 19–20.
- 25 See Fleig 1992: 107–8, who remarks that the senate proved itself incapable of showing any solidarity against the princeps, and was swift to defend fellow members from those of low status.
- 26 Cf. Levick 1985: 55–6.
- 27 In this regard, see Cossutianus Capito's remark to Nero, Tac. *Ann.* 16.22.10; cf. Dio 52.31; 58.16.4.
- 28 Cf. Giovannini 1987: 227.
- 29 There were others whose families had been ennobled by the consulship who acted as *delatores* as well, such as D. Laelius Balbus, L. Visellius Varro, Valerius Catullus Messalinus, and Palfurius Sura. For Aemilius Scaurus see Badian 1958: 216.
- 30 See Dio 59.4.3; 60.3.6; 60.4.1–5; 60.6.3; cf. Suet. *Claud.* 11.3; see Swan 1970: 160 for discussion; also Levick 1990: 93.
- 31 Tac. *Ann.* 11.1–3; Levick 1990: 61–4.
- 32 Tac. *Hist.* 4.41; for discussion see Rogers 1949: 347.
- 33 See Bauman 1974: 169–71 for discussion of Pliny's prosecution.
- 34 See e.g. Plin. *Ep.* 10.56; see Garnsey 1970: 81–2 for discussion.
- 35 Our source, Marcianus, is late; see *Dig.* 49.14.18.1: *clarissimi viri deferre non possunt*. The senate did try non-senators on occasion, although low-status defendants were subject to harsher treatment than those of higher status – as in the case of Clutorius Priscus.
- 36 See Weaver 1972: 2–4.

- 37 Cf. Tacitus' bitter comment (through the mouth of Maternus) at *Dial.* 13.4: *Quae haec summa eorum potentia est? tantum posse liberti solent.* See Weaver 1967: 3–4 for discussion, where he rightly calls the disconnect between status and social standing “status dissonance”; cf. 7; cf. Garnsey and Saller 1987: 118.
- 38 As may have been the case in Milichus' denunciation of Flavius Scaevinus, Tac. *Ann.* 15.54.4–6.
- 39 See Schumacher 1982: 150 for discussion; cf. *Dig.* 48.2.8; for the exemption of *maiestas* see *Dig.* 48.4.7.2. Theodosius and Honorius later made those who did accuse as such subject to harsh penalties (*CodJ* 9.1.21); the emperor Tacitus forbade slaves from informing against their masters even in cases of *maiestas*, see *HA Tac.* 9.4; see Schumacher 1982: 158 for discussion.
- 40 See Levick 1990: 119.
- 41 For the trial of C. Appius Junius Silanus see Dio 60.14.1–15; Suet. *Claud.* 29.1; 37.2. For Messalina see Tac. *Ann.* 11.29.3. Narcissus in fact offered the informants *largitio* (largesse) and *potentia* in exchange for their services.
- 42 See Sen. *Apoc.* 13–14; cf. 10–11; for discussion see Levick 1990: 66; Weaver 1972: 10.
- 43 See Griffin 1984: 53; something of his reaction against Claudius is implicit in his oration to the senate related in Tac. *Ann.* 13.4, where he promised to curtail the *potentia paucorum* within the imperial house.
- 44 See Rudich 1993: 103; see p. 120 for discussion.
- 45 See Schumacher 1982: 151 for discussion.
- 46 Tac. *Hist.* 4.42.1; Rudich 1993: 201.
- 47 See Griffin 1984: 55. There is very good reason to doubt the assertion of the *schol. ad Juv.* 1.35, however, that Baebius Massa and Mettius Carus were originally *liberti* at Nero's court; see their *vitae* in Part II for discussion.
- 48 Tac. *Hist.* 2.65; Weaver 1972: 281; see Hilarus' *vita* in Part II; cf. p. 173.
- 49 For Latinus and Heliodorus see *schol. ad. Juv.* 1.35. We may further suspect that a number of names mentioned by Umbricius in *Juv.* 3.119–22 were freedmen involved in *delatio*, especially since the name Protogenes, a notorious freedman under Gaius, appears among them (see Diphilus' *vita* for discussion).
- 50 *Pan.* 42.3–4; for a detailed study of slaves as *indices* from the Early Republic through the Late Empire see Schumacher's 1982 study.
- 51 See Bradley 1984: 33–6 for Tacitus' depiction of slaves, whom he generally stereotypes as craven or criminal; cf. Weaver 1967: 14 for a similar prejudice against freedmen in Tacitus.
- 52 For the prohibition see e.g. Dio 55.5.4; *Dig.* 48.18.1.5–6; see Bradley 1994: 168–9 for discussion; for a good general discussion of the role of slaves in denunciations, see Schumacher 1982: 1–10.
- 53 See Dio 55.5.4; Tac. *Ann.* 2.30.3–4. For a recent discussion of the legalities of this issue see Raditsa 1980: 311 (citing *Dig.* 40.9.12; 48.5.28.11–13; *CodJ* 9.9.35).
- 54 See Dio 55.27.3; *Dig.* 47.10.5.11; for discussion see Schumacher 1982: 121–5; Bauman 1974: 43–5; also 46–9 in particular concerning the problem of accepting the evidence of slaves.
- 55 Dio 57.19.1 says that this was done especially in cases of plots against Tiberius himself; for a general discussion of the role of slaves in cases under Tiberius see Schumacher 1982: 125–43.
- 56 Jos. *AJ* 19.12–13; 19.131; cf. Levick 1990: 28; see Schumacher 1982: 188–95 for a detailed discussion.
- 57 For the case of Celer see Schumacher 1982: 147–8.
- 58 Hence their punishment by Nerva, Dio 68.1.2–3. For discussion see Bauman 1974: 55–6, where he argues that it was precisely this admissibility of the evidence of slaves under torture which allowed for increased recourse to the *maiestas* law, citing

- Tac. *Hist.* 1.3.1, *contumax etiam adversus tormenta servorum fides*. He further notes that consistently there is harsh action taken against slaves in conjunction with the abolition of *maiestas* charges, citing *inter alios* Dio 67.1.3; 68.1.2; *HA Com.* 19.7; *Pert.* 9.10. For further discussion on the punishment of slaves who informed against their masters see MacMullen 1986: 161; for the activity of slave informants under the Flavians in general, see Schumacher 1982: 152–9.
- 59 Bradley 1994: 108 citing *Amm. Marc.* 28.1.49; cf. Bradley 1994: 149 citing *Tert. ad Nat.* 1.7. That slave informants were an abiding presence in Roman society is indicated not only by the passage in *Ammianus*, but by the emperor Severus' attempt to reassert the principle whereby slaves and freedmen who denounced their masters were punished, *Dig.* 49.14.2.6.
- 60 Although *accusatrix* does occur in *Plaut. As.* 513; *Plin. Ep.* 10.59; 10.60.2.
- 61 For the prohibition against women acting as prosecutors see *Dig.* 49.14.18.1; for women as backers of a prosecution, see e.g. the case of Crassus' widow, *Sulpicia Praetextata*, against *Regulus*, *Tac. Hist.* 4.42.1; cf. *Plin. Ep.* 9.13.3, 17 for his prosecution of *Publicius Certus* on behalf of *Fannia*. See Marshall 1990: 355–6 for discussion. Women could act as witnesses, as e.g. in the case against *Clutorius Priscus*, *Tac. Ann.* 3.49.2–3. On how the gender dynamics changed within the courts under the Principate see Marshall 1990: 361. Cf. the prohibition from delation on soldiers, *Dig.* 49.14.18.5. Passive homosexuals were also prohibited from bringing up accusations, *Dig.* 3.1.1.5–6.
- 62 *Tac. Ann.* 11.29.3. *Messalina* was probably accused under the *lex Cornelia de sicariis*, see *Bauman* 1974: 179; *Levick* 1990: 67.
- 63 Cf. e.g. the case of *Fulvia* in *Sallust Cat.* 23.3–4; 26.3; 28.2; on *Fulvia's* identity see *Syme* 1964: 134–5; cf. *Welch* 1995: 186–8. See, too, the case of *Silia*, who denounced *Nero's* sexual proclivities to *Petronius*, *Tac. Ann.* 16.20.1.
- 64 *Rudich* 1993: xxvi; cf. *Syme* 1958: 100; *Williams* 1978: 35–6.
- 65 *Williams* 1978: 35–8; *Walker* 1960: 215–16; *Martin* 1981: 135. For profit-hungry *delatores*, see e.g. *Quint. Inst.* 12.7.11–12; cf. *Plin. Pan.* 35.3; 36.1; *schol. ad Juv.* 1.34.2.
- 66 See *Pani* 1986: 317 citing *Ovid Am.* 1.10.39: *turpe reos empta miseros defendere lingua*; it is worth noting that *Ovid's* remark is made before the supposedly true burgeoning of *delatores* under the Principate.
- 67 For those who made a career of accusing see *Quint. Inst.* 12.7.3.
- 68 The only full example of which is *Cic. Div. Caec.*; cf. *Quint. Inst.* 3.10.3, whose remarks indicate that *delatores* did not always share rewards.
- 69 See *Ferrill* 1985: 354–6 for discussion of the property qualifications for senators established by *Augustus*.
- 70 Contra *Rudich* 1993: 180; for discussion concerning the wealth of the “average” senator see *Duncan-Jones* 1974: 17–32, 343–4; cf. *Talbert* 1984: 47–53; *Alföldy* 1988: 116; *Treggiari* 1996: 878–80.
- 71 See e.g. *Tac. Ann.* 3.19.1; 3.23.3–4; for discussion see *Millar* 1977: 165 (citing *Garnsey* 1970: ch. 4, *passim*).
- 72 *Rhet. Her.* 2.41; cf. 4.65, where the *quadruplator* is depicted as a recognizable character type.
- 73 In late authors *quadruplator* even becomes synonymous with *delator*, although only *delatores* appear involved where the case carried the death penalty, see *Cloud* 1992: 184 n. 40 citing the Glossaries of *Aur. Vict.* (*Caes.* 35.7) and *HA M. Ant.* 11.1.
- 74 Our main sources are the *lex Acilia* and the *Tabula Bembina* (for which see *Mattingly* 1970: 154–68; cf. *Sherwin-White* 1972: 83–99; for a general discussion of the *lex Acilia* see *Russell* 1950: 57–9). It remains open to question whether the *praemia* at this period went only to the *delator nominis* or extended to the *subscriptores* as well; two extant inscriptions show that, at least under the *lex Acilia*, the

- praemia* went to the *delator nominis*, although another inscription indicates that *praemia* went to the one who had contributed most towards a conviction, and rewards could extend even to witnesses; see Alexander 1985: 20–2; 1982: 155–6 for discussion of the *lex Acilia* and the *praemia* associated with it.
- 75 See Sherwin-White 1972: 94, who argues for political offices as a reward, but sees such advancement as applying only to non-Romans. He argues that the law was passed near the time of the Social War with a view to appeasing the disenfranchised.
- 76 Maternus' reference (*Dial.* 36.4; cf. 37.4–5) is not to accusation *per se*, though in citing the rewards that went to orators, it is clear that he has prosecution and defense both in mind. He notes (37.4) that many of the great speeches of the Republic were for electoral corruption, provincial maladministration, and the execution of Roman citizens (*de ambitu comitiorum, de expilatis sociis et civibus trucidatis*) – one could hardly expect most (if any) of these speeches to be for the defense; indeed, Maternus' examples of great republican oratory are primarily prosecutions. Alexander 1985: 26 is right to note that terms such as *praemia*, that we find in Tacitus' *Dialogus*, and in Cicero as well (citing *Cael.* 46; cf. *Rosc. Am.* 83.2; *Ver.* 1.21; 5.173; *Balb.* 54), are vague and could refer to either monetary rewards or office.
- 77 For the references see Cicero citations in n. 76 above; for Tacitus see *Ann.* 11.6.
- 78 See Alexander 1985: 28–31 for the specific *praemia* and the crimes with which they were associated.
- 79 P. Fulvius Neratus successfully prosecuted T. Annius Milo in 52 and received a *praemium* under the *lex Licinia de sodaliciis* for *ambitus*; see Alexander 1990: 153 citing Asc. (Clark p. 54); cf. Alexander 1985: 28: prosecution for *ambitus* could bring *tanta praemia* (citing Cic. *Clu.* 115).
- 80 As did Appius Claudius for his prosecution of Milo, see Asc. (Clark p. 54); see Russell 1950: 65, 71 for discussion.
- 81 For discussion see Alexander 1985: 29–30: the rewards in place also included citizenship for non-citizens, and set unspecified rewards for Roman citizens (citing CIL 12.583; Cic. *Scaur.* 36; *Phil.* 3.7). Witnesses may also have received *praemia* for testimony, Alexander 1985: 30 citing Cic. *Part.* 49. See also Bauman 1974: 55, who argues that the *lex Acilia* will have stipulated rewards for *repetundae*.
- 82 See *Rhet. Lat. Min.* 2.37 (Victorinus, *Explanations in Rhetoricam M. Tullii Ciceronis* = Halm p. 289): *Nam et apud iudices de praemio saepe accusatorum quaeritur. Accusatoribus lege praemia dabantur, hoc ipso, quod accusabant. Exemplum dat Tullius: 'nullo praemio adducit': item: 'Non enim spolia Gai Verris concupivi.'*
- 83 See Alexander 1985: 30–1 citing Cic. *Sul.* 51; *Sest.* 89.
- 84 See Cic. *Dom.* 44–5; Sall. *Cat.* 51.43 (where Caesar appears to be following customary practice). Note, too, Sall. *Cat.* 51.40, which indicates that exile was established practice under certain laws.
- 85 See Gel. 12.2.2–4; cf. Cic. *Fam.* 5.6.2; *Att.* 1.13.6; see Shatzman 1975: 73 (and cf. 412) for discussion.
- 86 For the Sicilians' gifts see Plut. *Cic.* 8.1; for those from Paetus see Cic. *Att.* 1.20.7; see Shatzman 1975: 412 for discussion.
- 87 For Crassus see Cic. *Parad.* 5.41; for Staienus see Cic. *Clu.* 101; cf. 74; see Shatzman 1975: 376, 399 for discussion.
- 88 See Livy 34.4.8–9; Cic. *de Orat.* 2.286. For a detailed study of the *lex Cincia* see Casavola 1960; see esp. 12–15, 21–24 for the law's introduction in 204 and its purpose. Casavola 17–18 conjectures that it might have been aimed at *novi homines*; on the question of the initial limits the law imposed see 30–6; the stipulation was against the receipt of *dona et munera*, see 144–70 for discussion. Also see Fanizza 1988: 23–4; Shatzman 1975: 72–3 for discussion of this *lex*.

- 89 For the profit motive of Sulla's cronies see Sall. *Cat.* 51.33–4.
- 90 Dio 46.49.3; see Russell 1950: 65–6; Bauman 1967: 171 for discussion.
- 91 The *praemia* for denunciations were 25,000 Attic drachmas for free men, 10,000 for slaves, plus their freedom and their master's right of citizenship. Dio 47.5.3–4 gives an idea of the fear to which the second proscriptions under Octavian and Antony gave rise, and everyone was regarded as a potential threat, even friends, in light of the rewards offered; cf. Dio 47.6.3–5; see Appendix 4 for discussion.
- 92 He prosecuted Catiline in 65 *de repetundis*; in 74 he prosecuted a case of *incestum*; in 56 he accused Milo *de vi*; in 56 he prosecuted a certain Proclilius; see Gruen 1974: 271 (for Catiline), 42, 271 (for *incestum*), 298–9 (for Milo), 315–16 (with n. 25, for Proclilius). For Curio's profiteering see Suet. *Jul.* 29.1; Caesar purchased Curio's political support *ingenti mercede*.
- 93 See Millar 1977: 163–4 for discussion; he notes that state acquisition of the *bona damnatorum* had its roots in the *publicatio bonorum* of the Republic (citing RE 23.2484 'Publicatio bonorum').
- 94 See Tac. *Ann.* 4.20.1–3. See Millar 1977: 167 for the problems of the goods of the condemned and their ultimate fate; see Millar 1963: 29–42; 1964: 33–40 for discussion of the role of the imperial *fiscus* in Tacitus.
- 95 See e.g. Tac. *Ann.* 3.19.1; 4.20.1–3; 4.30.3–5; 6.47.1; for discussion see Levick 1976a: 189, who rightly notes that the rewards guaranteed by law were exceeded and often at the senate's, not emperor's discretion. Certain of her arguments, however, are open to serious objections, e.g. her assertion that under some statutes the successful accuser seems to have been entitled to take on the insignia of his victim and his seniority (citing the case of Libo in 16). There is not enough evidence to assert that this was a general principle.
- 96 Suet. *Nero* 10. For discussion of this legislation see Astolfi 1970: 312–20; Woodman and Martin 1996: 236–8; Treggiari 1991: 60–80.
- 97 The remainder went to the state, Tac. *Ann.* 3.28.4.
- 98 The evidence is not entirely certain on this point; payment could have been made out of both, see Millar 1963: 37.
- 99 Dio 58.4.8. There may have been payment from the princeps himself in such extraordinary circumstances in addition to the procurement of the proscribed's goods, as was conceivably the case in the prosecution of Thrasea Paetus under Nero.
- 100 Seager 1972: 90 says that one of the essential reasons for this *delatio* is that Firmius Catus was motivated by profit. However, to impute a profit motive this early in Tiberius' reign means that something must have led the accuser to expect to be paid handsomely for his efforts, if Tacitus (and Seager) are correct. Such a view must assume that Augustus had established this precedent or had himself taken it over from the Republic. Ultimately, however, Seager (and Tacitus) appears to be speculating on Catus' original motives based on the trial's end result.
- 101 Tac. *Ann.* 2.32.1. Vibius Serenus the Elder (*q.v.*) may have been excluded from the cash award, but it is more likely that what he lost out on was the award for office.
- 102 See Bauman 1974: 60 n. 46; Goodyear 1981: 280.
- 103 Tac. *Ann.* 2.86: Fonteius (*q.v.*) was bestowed the handsome sum of 1,000,000 sesterces as a consolation prize when his daughter was passed over in the election of a Vestal in 19.
- 104 We omit the rewards offered to Crispinus and Sosibius in the wake of Valerius Asiaticus' prosecution (Tac. *Ann.* 11.4.5–6) because it is by no means clear in Tacitus' presentation whether the award of money voted to Sosibius was directly connected to his role in his prosecution, while Crispinus was paid for arresting, not prosecuting Asiaticus.

- 105 Tac. *Ann.* 16.33.4; Epirius' wealth became famous, as did that of his contemporary, Vibius Crispus (see Tac. *Dial.* 8.2), but it is doubtful that their fortunes were entirely attributable to *delatio*.
- 106 Dio 62.26.1–2. Tiberius had also rewarded witnesses, see Suet. *Tib.* 61.2.
- 107 Tac. *Hist.* 4.42.1–4, although we must approach this source with caution. Tacitus, himself not necessarily neutral, puts the profit motive into the mouth of a hostile witness, Curtius Montanus, who excoriates Regulus' *hiatus praemiorum*.
- 108 Tac. *Hist.* 4.42.4. It was an amassing of wealth Montanus deemed all the more inexcusable because Regulus was well off, a statement that contradicts Pliny's take on Regulus' background, *Ep.* 2.20.13. Cf. Quint. *Inst.* 12.7.9, who criticizes those in comfortable circumstances who prosecute.
- 109 See Griffin 1986: 193, who notes that suicide was an acceptable choice to the upper classes over condemnation; the situation might have been similar for the Republic, when suicide was sometimes chosen rather than facing execution like a common criminal, or even exile; the problem is our examples for the earlier period are quite limited; see Alexander 1990: 5–6, 16, 60–1, 98, who cites six such instances between 149 and 50 BC. On suicides in the late Republic also see Weinrib 1968: 43 n. 45; on Roman suicide in general see Griffin 1986: 64–77 and 192–202, esp. 69 for discussion of willful versus enforced suicide.
- 110 Tac. *Ann.* 4.20.3. The whole prosecution was in fact subsumed under the *lex maiestatis*.
- 111 Tac. *Ann.* 4.30.1; see Fanizza 1988: 20 for discussion.
- 112 Tac. *Ann.* 4.30.5; for discussion see Chilton 1955: 80; cf. *Dig.* 48.21.3.1, 3: under the Antonines goods were confiscated despite suicides before trial's end if the offense of the accused was such that they would have suffered death or confiscation upon condemnation. For the property of suicides in general see *Dig.* 48.21.
- 113 Sen. *Dial.* 6.22.7. Contra Rogers 1933b: 18–27 (esp. 21 citing the trial of Vibius Senenus the Elder, Tac. *Ann.* 4.28.2; 4.30.3), who argued that suicide did not mean one avoided confiscation of one's estate when one had been accused of *maiestas*, and contended that Seneca the Younger must be in error in making fear of losing a profit the motive for Satrius and Natta in bringing their indictment against Cordus in 25 before he killed himself. The difficulty with this interpretation is that it appears rewards were discretionary. We do not know if Cornutus' property, for example, was left untouched, we do not know how much went to his accusers, and it appears in subsequent similar cases that the property of the condemned was generally left alone.
- 114 Tac. *Ann.* 16.17.6. And some, after arrest, did not even bother to await prosecution, such as Petronius, who committed suicide and made no pretense of protecting his estate (Tac. *Ann.* 16.18–20).
- 115 On pain of a fine of four times the amount they received, Dio 54.18.2–3; see Levick 1985: 59.
- 116 Informers still found a way around Tiberius' attempts to regulate bequests, see Field 1944–5: 398–416, esp. 412 for discussion.
- 117 Suet. *Cal.* 40 states that Gaius imposed a tariff of one-fortieth of the sum involved in any settlement on any suit. Whether this included a tax on the *praemia* of *delatores* is unlikely, probably referring to civil suits, although the possibility cannot be ruled out.
- 118 Tac. *Ann.* 11.4.5–6. It was passed, according to Tacitus, in part because in that very year the senate voted a reward of 1,500,000 sesterces to Rufrius Crispinus and 1,000,000 to Sosibius for their part in Valerius Asiaticus' destruction. The ostensible grounds for paying Sosibius was that he had acted as tutor for Britannicus, and that he had assisted in advising Claudius; see Fanizza 1988: 23–4; Casavola 1960: 15–17.

- 119 Tac. Ann. 11.5.2; for discussion see Levick 1990: 64; see Dig. 47.15 for the definition of and penalty for collusion (*de praevaricatione*); see also Appendix 2, p. 302. By statute anyone convicted of collusion was not allowed to prosecute again, Dig. 47.15.5.
- 120 For discussion of the *lex Cincia* debate as presented by Tacitus see Martin 1981: 145; Ducos 1991: 3203–5; for the charge of *repetundae* see Ann. 11.7–8.
- 121 Tac. Ann. 13.5.1; Suet. Nero 17 (which implies a set fee, indicating that there was some modification on the ban, if indeed the ban was total); for discussion see Griffin 1984: 60; Pani 1986: 326–7. Tac. Ann. 13.42.2 implies that the continued activities of Suillius Rufus were in part responsible for its reintroduction under Nero.
- 122 Suet. Nero 10.1; see Griffin 1984: 52, 63 for discussion; for Trajan cf. Millar 1963: 34–6; cf. p. 62.
- 123 See Pani 1986: 332–4.
- 124 Mart. Sp. 1.4.5–6; for discussion see Millar 1977: 169.
- 125 See Taylor 1949: 112–16; cf. Mommsen 1899: 509.
- 126 We know of two cases where citizenship was bestowed on successful prosecutors: sometime between 104 and 81 BC L. Cossinius charged T. Caelius under the *lex Servilia de repetundis* and was rewarded with citizenship; in roughly the same time period T. Coponius prosecuted C. Paprius Maso under the same law and received the same reward; see Russell 1950: 70–1. Bestowal of citizenship, however, while it is a form of political advancement, is not the sort of advancement through fierce competition for political office with which we associate this activity; see Alexander 1990: 171; cf. Mattingly 1970: 163–4, 166–8.
- 127 See Alexander 1985: 22.
- 128 See Russell 1950: 67; Alexander 1990: 97 for citations including Val. Max. 5.4.4; Dio 36.40.3–4.
- 129 See Russell 1950: 68–70; Alexander 1985: 26–7; 1990: 101 for citations.
- 130 Cic. Balb. 57; for discussion see Russell 1950: 62, 70; Alexander 1985: 23; 1990: 129.
- 131 See Russell 1950: 62 citing ILS 6087.
- 132 Alexander 1985: 28–9, citing Cic. Chu. 98; Dig. 48.14.2; Dio 40.52.3–4. P. Cornelius Sulla, consul designate in 65 BC, and C. Memmius, were both probably trying to regain their status when they undertook prosecutions, C. Memmius when proposing to prosecute Metellus Scipio in 52 BC (Alexander, citing App. BC 2.24); P. Sulla when he prosecuted Gabinius *de ambitu* in 54 BC (Alexander, citing Cic. Att. 4.18.3; Q. Fr. 3.3.2).
- 133 For discussion see Alexander 1985: 29–30 citing CIL 1².583.
- 134 See Alexander 1985: 22.
- 135 See Suet. Jul. 4.1; Plut. Caes. 4.1; Val. Max. 8.9.3; Vell. Pat. 2.43.3; Gel. 4.16.8; Cic. Brut. 317; Tac. Dial. 34.7; Asc. Clark p. 26, for his prosecution of Cornelius Dolabella in 77 BC; for his prosecution of C. Antonius see Plut. Caes. 4.1; Asc. Clark p. 84.
- 136 Tac. Dial. 36.4–5. It is clear from Tacitus' discussion that he includes prosecutors as much as (if not more than) orators for the defense in this passage. Cf. Aper at Dial. 5.5–6.5; 7.1–2, where the intangible political power and prestige which accrues to the orator is given lengthy treatment. It includes the ability to protect oneself and one's friends in the senate, to threaten and harm enemies, and to act as patron over a large number of clients; Epirus Marcellus and Vibius Crispus are used to support his argument. Aper himself states – not without justification – that he felt himself to surpass the power of the tribune, praetor, and consul when he spoke (although for the defense) before the centumviral court, or even before the princeps.

- 137 Tac. *Dial.* 36.4. To Maternus' exempla we could add Caelius, who successfully prosecuted the consular C. Antonius in 59 (Dio 38.10), see Russell 1950: 75–6; Alexander 1990: 119.
- 138 Alexander 1985: 26 (for citations see above, n. 76). Alexander notes that only the *Balb.* passage (54) refers specifically to legal *praemia*; cf. Tac. *Ann.* 11.6.1.
- 139 For the shift in resources which effectively rendered the emperor everyone's patron see Wallace-Hadrill 1989: 78–81, who rightly notes that despite the princeps' universal patronage, personal patronage by men of varying degrees of status and wealth still continued to flourish.
- 140 See Wallace-Hadrill 1981: 83–4; cf. 1996: 296–9 for the range of *beneficia* the princeps could bestow.
- 141 The princeps was ever vigilant to note and reward the qualities of *fides* and *pietas* which the *delator* arguably showed to his patron the princeps; see Fleig 1992: 102, who argues that the patronage relationship determined the political center under the Empire – and that center was the princeps. Also see Saller 1980: 56, who notes that in a letter of Domitian's to Laberius Maximus informing him of his advancement to praetorian praefect the qualities of *pietas* and *fides* are duly rewarded. Cf. Augustus' commendation of the senate's *pietas* after their condemnation of Cornelius Gallus in 27 BC, Suet. *Aug.* 66.2.
- 142 See Levick 1985: 46, who notes that newcomers into the senate may have felt obligated to the regime for their advancement. Lower offices and priesthoods in particular went to *novi homines*, consulships (usually *suffecti*) were given out less frequently, see Levick 1985: 50. Levick remarks that it is doubtful whether the consulship ennobled families during the Principate. For the *cursus honorum* under the Principate see Saller 1980: 46 citing Dio 52.20.1–2; 52.24.1–2; 52.25.5. Provincials will have figured increasingly into this equation; see Hammond 1957: 81, who notes that their ambition and loyalty, with a view to integrating themselves into Roman society, will have been particularly useful for the princeps.
- 143 Syme 1939: 505; cf. Fleig 1992: 114–15 who argues that accusations functioned as a type of competition which replaced that displaced by the Principate, and was a way to come close to the princeps' position.
- 144 Tac. *Ann.* 2.30.1; that these were not the only accusers, and that non-senators were involved, is indicated by Tacitus' remark that praetorships *extra ordinem* were given to those of the senatorial order (*iis qui senatorii ordinis erant*, 2.32.1), which could indicate that others were involved outside that body.
- 145 I cannot agree with Bauman 1974: 60–1 that Vibius Serenus was excluded because he undertook the charges of astrology and these failed; had he failed in his charge he ought to have been charged with *calumnia* and he would have had no grounds for complaint. Furthermore, given that virtually every case in which magic or the occult is involved results in condemnation and a harsh sentence, it seems the more likely that Serenus' case will have succeeded.
- 146 The prosecutors included P. Vitellius, Q. Veranius, and Q. Servaeus (Tac. *Ann.* 3.19.1); see Marsh 1926: 238 for the status of the prosecutors – all were new men or men of the lesser nobility, while Piso's defenders were from the higher aristocracy.
- 147 It may be, however, that we have here a case of Tacitus imputing motives to the three remaining accusers in light of (1) the fact that they had held the praetorship and the consulship was the next step and (2) the fact that Cato did indeed hold a consulship which may or may not have necessarily been a reward for his services – eight years is a long time to wait. However, we cannot rule out entirely that one or more did hold a consulship but left no record. Nor would it necessarily be out of character for Tiberius to grant a generous political prize in exchange for services rendered in a serious trial, as had been the case with Libo.

- 148 Suet. *Otho* 1.3. The elevation of Otho's father was made possible in part by Claudius' desire to promote men more rapidly through adlection into the senate at a certain rank in the senatorial *cursus*, e.g. ex-aedile, ex-praetor, ex-tribune; see Levick 1990: 100 for discussion.
- 149 Tac. *Ann.* 11.38.5; for freedmen in the imperial administration of Claudius see Crook 1955: 41–2; cf. Duff 1928: 177–9 on freedmen under the courts of Claudius and Nero.
- 150 Tac. *Hist.* 4.41.3; for discussion see Syme 1991b: 525.
- 151 Tac. *Hist.* 4.42.1. The attack is unfair. Regulus, as Tacitus has Montanus state, was *iuvenis admodum*, “still a young man,” and a desire to make a name for oneself and advance one's career when young through prosecution was not unacceptable; cf. above p. 16 with n. 44.
- 152 Plin. *Ep.* 3.7.3. By the late date of 68 Silius' career as a prosecutor was probably over; see Gallivan 1974: 311.
- 153 Tac. *Ann.* 14.48–9; see Russell 1950: 63 citing Quint. *Inst.* 5.10.108; 11.1.79 for reinstatement of political rights and status.
- 154 For the employment of *delatores* in the Flavian administration see Jones 1973: 81.
- 155 It is worth noting that those who were less than enthusiastic supporters of the regime fared as well, e.g. Arulenus Rusticus was consul in 92; Flavius Clemens in 95; Helvidius Priscus before 87. There is some controversy concerning whether Catullus Messalinus was consul *ordinarius* or simply *suffectus* in 85; see Jones 1973: 82, who accepts Syme's argument 1958: 637 that T. Aurelius Fulvus was *ordinarius* in this year with Domitian, while Messalinus was *suffectus*.
- 156 *HA Alex.* 65.5; for discussion see Crook 1955: 26.
- 157 See Martin 1981: 33 for a discussion of the more noxious *amici Caesaris*.
- 158 Philo *Leg.* 168–83; 203–4. For discussion see Crook 1955: 40.
- 159 Though not through *maiestas* trials which were not reintroduced until at least 62. On the problems of dating Vibius' consulships see his *vita* in Part II. For Eprius' influence early in Nero's reign see Tac. *Ann.* 13.33.4; Vibius by 60 wielded enough influence to extricate his brother, Vibius Secundus, from a charge *de repetundis* prosecuted by the provincials of Mauretania, Tac. *Ann.* 14.28.3.
- 160 See Tac. *Hist.* 4.7.1, 3, where Helvidius admits Marcellus' virtually invulnerable position in their debate over the sending of an embassy to Vespasian, and states that that influence came from how Marcellus chose to employ his eloquence; cf. Tac. *Dial.* 8.2–3; see Devreker 1977: 231 for Eprius' place in Vespasian's government.
- 161 Tac. *Hist.* 4.8.3; Crook 1955: 47; Eprius Marcellus was one of Nero's *amici*.
- 162 Devreker 1977: 231–4, cf. 240; on the abiding power of certain *delatores* in imperial *consilia*, see Morris 1963: 156.
- 163 For discussion see Jones 1984b: 637.
- 164 Veiento was given a third consulship in 83; see Jones 1979: 37; 1992: 164; Devreker 1977: 231, 241. For an analogous figure see L. Vitellius in Tac. *Ann.* 11.4–6, which gives us an idea of how a character such as Veiento might work in the background of imperial courtroom politics.
- 165 For Armillatus' and Sura's intimacy with Domitian see *schol. ad Juv.* 4.53. Both find a place in the emperor's *consilium* in Juv. 4.53–5.
- 166 Tac. *Dial.* 8.3; see Millar 1977: 118–19 for discussion.
- 167 See Rudich 1993: 145. We may question whether the moral and ethical codes were in any worse shape under the Principate than when the Roman ruling elite, during the Gracchan reforms, butchered *en masse* the hitherto sacred person of a tribune and thousands of his supporters; and we could sight any number of instances of such breakdowns during the Republic, such as the Sullan proscriptions.
- 168 For the princes as patron of all see Fleig 1992: 102.

- 169 See Vogel-Weidemann 1979: 94.
 170 On the merging of the public and private functions of the imperial court see Winterling 1997: 90–112, esp. 106–12.
 171 It must be emphasized that the *consilium* did not exist as a formal institution, that it is a term of convenience that modern scholars use to refer to the emperor's friends and advisors, see Winterling 1997: 92–3; on access to the princeps in general see Wallace-Hadrill 1996: 283–6, cf. 290 (on *amici* as a *consilium*); cf. 300 for the *consilium* as a “non-institution.”

3 EXERCENDAS LEGES ESSE: DELATORES AND LAW ENFORCEMENT

- 1 For Augustus' usurpation of the laws see Tac. *Ann.* 1.2.1. For Tiberius' personal oversight of the law courts see Dio 57.7.2; Suet. *Tib.* 33, who remarks that Tiberius intervened only when it appeared that the guilty were about to be acquitted; see Kelly 1957: 46–54 for discussion. For Claudius' personal oversight, see Suet. *Claud.* 14, who praises the interest Claudius took in the administering of justice; for a contrary view see Tac. *Ann.* 11.5.1.
- 2 Tac. *Ann.* 2.33; 3.52–5; Dio 57.15.1; cf. 57.13.3; see Woodman and Martin 1996: 376–413 for discussion; also see Edwards 1993: 202–3; Levick 1976a: 89; Seager 1972: 141–2; for his “encouragement” of delations see Tac. *Ann.* 3.27; 4.19.2; for sumptuary legislation cf. Gel. 2.24; cf. 15.8. Tiberius' lack of activity in this area is perhaps reflective of the cautious and unobtrusive behavior of other *principes* when it came to “judicial activism” in the Early Principate, see Gaudemet 1954: 174.
- 3 See Shotter 1980: 230 citing Tac. *Ann.* 3.56.1; for commentary and discussion see Woodman and Martin 1996: 368, 414–15; cf. Wiedemann 1996: 212–13. This coin issue is surely related to another which shows a female head on the back with the legend IVSTITIA; for a detailed discussion of Tiberius' personal oversight of the law see Kelly 1957: 46–54.
- 4 See Sinnigen 1961: 66 for discussion.
- 5 For the case of Appuleia Varilla, see Tac. *Ann.* 2.50; see Bauman 1974: 77–8 for discussion: the *delator* against Varilla was trying to bring three rubrics of law under one charge of *maiestas*, “verbal injury to a god; verbal injury to the emperor and his mother; and adultery by a connection of the emperor.”
- 6 Some of the more significant studies on his legislation in general and the *lex Papia Poppaea* in particular include Corbett 1930: 31–9, 119–21; Field 1944–5: 398–416; Astolfi 1970; Garnsey 1970: 23; Csillag 1976: 29–35 (for dating), 77–81 (for the context of the *lex Julia* and *Papia Poppaea*), 152–3 (for associated measures in the *lex Voconia*); Raditsa 1980: 283–90 (with extensive bibliography), 310–19; Wallace-Hadrill 1981: 58–80; Des Bouvrie 1984: 93–113; Badian 1985: 82–4 (for the date of the *lex Papia Poppaea*); Treggiari 1991: 60–80; Dixon 1992: 79–81, 119–21; Edwards 1993: 37–42; Woodman and Martin 1996: 233–5.
- 7 Dio 56.6.5. For discussion on the dating of the legislation of both 18 BC and AD 9 see Raditsa 1980: 295–305.
- 8 On the last of these provisions see Gaius *Inst.* 2.111; 2.286; see Biondi 1955: 137–9 for discussion.
- 9 See n. 6 above for bibliography. It has long been held that the law was a singular culprit in the growth of delation; see e.g. Ducos 1991: 3226; Fanizza 1988: 17; though to imply, as Csillag 1976: 164 does that it was responsible for “instituting” delation is to put too much on it.
- 10 See Field 1944–5: 398–401 for a demographic interpretation; cf. Galinsky 1981: 126; Yavetz 1984: 10, who notes that “When trouble arose in Pannonia and Bohemia between A.D. 6 and 9, not enough *ingenui* were prepared to serve their country.

- Sons of freedmen and even slaves had to fill the ranks,” citing Pliny *Nat.* 7.149. Wallace-Hadrill 1981: 58–9 argues that as a matter of policy Augustus started to seek recruits for the army among provincials; cf. Brunt 1971: 558–66; see Des Bouvrie 1984: 98–107 for an “anti-demographic” interpretation. For discussion of the upper classes as a target of Augustus’ legislation see Garnsey 1970: 23.
- 11 Wallace-Hadrill 1981: 59; overall his assertion, given the impact it had on status and rights of inheritance, appears well supported.
 - 12 Tac. *Ann.* 3.25.2–3; see Syme 1939: 444; for a good recent discussion of this aspect of the law see Edwards 1993: 37–9.
 - 13 For the *aerarium* see Millar 1964: 33–40; Corbier 1974; cf. Kaser 1968: 77–8, 244, 288, 306–7: the *bona caduca* of senators, if they were unable to prove that they had fulfilled their paternal duties, reverted to the state upon their death, hence Tacitus’ reference to *vacantia* (= *caduca*), *Ann.* 3.28.4; the term *caduca* refers to legacies rendered intestate by the legal incapacity of the legatee.
 - 14 Tac. *Ann.* 3.25.1–2; 3.28.4–5. Also see Astolfi 1970: 312–20 for discussion.
 - 15 See Woodman and Martin 1996: 236 for discussion.
 - 16 See Woodman and Martin 1996: 260 for discussion.
 - 17 See Tac. *Ann.* 3.25–8, esp. 3.28.4–5; for discussion see Levick 1976a: 103; Woodman and Martin 1996: 236–9.
 - 18 For the regulation concerning illegitimacy under the *lex Papia Poppaea* see FIRA 3.10: *quia lex Aelia Sentia et Papia Poppaea spurios spuriasve in albo profiteri vetat*; for discussion see Biondi 1955: 136–54. For the implications for inheritance see Raditsa 1980: 323; cf. Giovannini 1987: 224, who notes the drastic effects the *lex Papia Poppaea* had in this area citing Tac. *Ann.* 3.25, 3.28; Suet. *Claud.* 23.1.
 - 19 See Csillag 1976: 164; Tacitus’ presentation would appear to imply that this is yet another step on the road to tyranny (*acriora ex eo vincla*, *Ann.* 3.28.3–4), but while it was an infringement on personal liberty, it was by no means a direct attack on political freedom. Pliny provides an analogy for Tacitus; for him the workings of this law had a significant place in reducing Domitian’s reign to a *dominatio*, and he set it in the balance next to *maiestas*; see *Pan.* 42.1; Bauman 1974: 55 for discussion.
 - 20 See Tac. *Ann.* 2.34.1; Dio 54.19.2 for the early accusations; Levick 1985: 57 argues that it was this law which led L. Piso to threaten withdrawal from Rome (and public life); cf. Field 1944–5: 411–12. But of this we can by no means be certain; Piso’s remarks are vague, referring in the most general terms to the *ambitum fori*, *corrupta iudicia*, and *saevitiam oratorum accusationes minantium*. *Ambitum fori* clearly is indicative of corruption of a political nature, and not necessarily to be taken exclusively as a reference to *delatores*’ actions under the *lex Papia Poppaea*.
 - 21 For the reforms see Tac. *Ann.* 3.28.3; for discussion see Levick 1976a: 182; 1985: 57; 1987: 196; Raditsa 1980: 282; Treggiari 1991: 77.
 - 22 Suet. *Claud.* 23.1; see Astolfi 1970: 126–8 for discussion of Claudius’ rescission.
 - 23 Suet. *Nero* 10.1; Griffin 1984: 63.
 - 24 Hence the more stringent measures put in place under Hadrian, see p. 60 for discussion.
 - 25 See Tac. *Ann.* 15.19; for discussion see Giovannini 1987: 225–6; Dixon 1992: 123.
 - 26 Tac. *Ann.* 3.22.1–2; Suet. *Tib.* 49; for Lepida see *PIR*² A 420; the bibliography for this case is large: see Marsh 1931: 272–3; Rogers 1935: 51–7; Köstermann 1955: 94–5; Townend 1962: 484–93; Garnsey 1970: 29, 37; Seager 1972: 155–6; Bauman 1974: 173–5; Syme 1986: 112; cf. 1970: 95 (for details about her accuser, Quirinius); Marshall 1990: 343; Woodman and Martin 1996: 209–23 (perhaps the best general discussion of the case with a thorough treatment of the subject of supposititious children).
 - 27 See Paul. *Sent.* 5.25.1b; Woodman and Martin 1996: 210–13 for discussion.

- 28 Juv. 9.82–90; see Wallace-Hadrill 1981: 65 for discussion of this passage; cf. Treggiari 1991: 79 for ways in which the law was skirted. See also Woodman and Martin 1996: 210–11, who note that *suppositio* was a favorite theme among both Greek and Roman literati.
- 29 Cic. *Leg.* 3.7; *de Orat.* 2.260; Val. Max. 2.9.1; Plut. *Cam.* 2.2; *Cato* 16.1 (Plutarch incidentally notes that Cato was particularly fond of playing the role of prosecutor, especially against those accused of immorality, see 15.1); Gel. 4.20; cf. App. BC 2.102; Dio 43.25.2.
- 30 As Dixon 1992: 78–9 notes, Tacitus' presentation "needs some qualification": "We have already seen that the censors regularly put to men the question whether they had married for the purpose of producing children and that Lucius Annius was struck off the senatorial roll for divorcing his wife without justification. There were also times when the aediles had, as public officials, judged cases of adultery and other female sexual transgressions. There had, moreover, been rules limiting inter-marriage even between citizens," citing Cic. *Leg.* 3.7; Dio. *Ant. Rom.* 2.25.7; Gel. 4.3.2; Val. Max. 2.9.2; Livy 8.22.3; 10.31.9; 25.2.9; cf. Fantham 1991: 272.
- 31 See Des Bouvrie 1984: 102 for discussion citing Suet. *Aug.* 89.2; Gel. 1.6; cf. Livy *Per.* 59.
- 32 For the *ius trium liberorum* see Treggiari 1991: 66–80.
- 33 See Biondi 1955: 162–3, who notes that *suppositio* was tantamount (after the death of the *testator*) to acting against the decedent's will (citing Paul. *Sent.* 3.5.16 *pr.*); also see Griffin 1984: 63; Gardner 1986: 52–3; Giovannini 1987: 227; Edwards 1993: 49–50. A (possibly) subsequent law gives us an idea of how such a law might have been enforced; it stipulated that if a husband died whose wife was pregnant, the woman was obliged to inform the *procuratores* of her condition, and they would in turn send subordinate officials, along with five women of free status, to inspect her condition; see *FIRA* 2.284–6 (= Ulpian). We cannot know for certain, but it is not past thinking that such legislation was intended, in part, to check attempted evasions of the *lex Papia Poppaea*.
- 34 Whether this was a part of the *lex de ordinibus maritandis* or separate has been a subject of dispute, but need not concern us too much here; see Raditsa 1980: 296–7; Fantham 1991: 267–91 for discussion; for the provisions of the *lex Julia de adulteriis* see Dig. 48.5; for discussion see Mommsen 1899: 688–99; Corbett 1930: 127–46; Andréev 1963: 170–80; Garnsey 1970: 21–4; Thomas 1970: 637–44; Daube 1972: 373–80; Richlin 1981: 380–2; Treggiari 1991: 277–98; 1996: 890–2.
- 35 For discussion see Raditsa 1980: 310; for the senate's role, see Talbert 1984: 466.
- 36 See Thomas 1970: 637; although there were consequences for this for the man, depending on the circumstances. At least we know that such was the case in the Republic; see Fantham 1991: 276–7: in the Republic "a free girl of good legal standing could not be seduced with impunity," citing Livy 3.44.1; 3.50.6.
- 37 See Richlin 1981: 382 for discussion.
- 38 See Thomas 1970: 641–2 citing *CodJ* 9.9.3; if the father showed the husband to be *infamis* or guilty of collusion with his wife he then obtained the right to prosecute; for the limit of 60 days see Dig. 48.5.2.9; 48.5.4.1; 48.5.14.4; 48.5.16.5. For *lenocinium* also see Plin. *Ep.* 6.31.5; see Raditsa 1980: 313 for discussion.
- 39 See Thomas 1970: 641 citing Dig. 48.5.27 *pr.*; 48.5.30 *pr.*; cf. Richlin 1981: 401 n. 11; for the obligation of the *accusator extraneus* to yield to the husband see Thomas 1970: 642 citing *CodJ* 6.9.4.
- 40 See Dig. 40.9.12; *CodJ* 9.9.35; slaves in theory were not to be used as witnesses against their masters (Dio 55.5.4), but this was skirted by selling the slaves to the state – theoretically to save slaves from their master's wrath (Dig. 48.5.28.11–13). See Woodman and Martin 1996: 464–5; Edwards 1993: 40 citing Dig. 48.5.28; Ulpian *Coll.* 4.11.1, Papinian; interrogation of slaves constituted an infringement

- on the property rights of the individual whose slaves were tortured. They were therefore sold to the treasury and the owner compensated; cf. Tac. Ann. 2.30.3 (under the *crimen maiestatis*). Further restrictions placed on the accuser under this law included that he be at least twenty-five years of age, Dig. 48.5.16.6; the exception was if he were the wronged party.
- 41 See Treggiari 1991 appendix one and two: 509–10 for a list of cases of adultery; cf. Garnsey 1970: 24, who notes the absence of adultery charges which stand by themselves without other charges appended in cases against the senatorial order.
 - 42 Tac. Ann. 2.50.4; it could be this case to which Suetonius (*Tib.* 35) refers when he states that Tiberius generally referred cases of adultery to the family; for Appuleia Varilla see *PIR*² A 968; RE 2.269 Appuleius (-eia) 33 (Rohden); for discussion of the case see Marsh 1931: 110–11; Rogers 1935: 27–8; Walker 1960: 95–6 (for the introduction of the *maiestas* charge in the case); Bauman 1967: 234–5; Seager 1972: 155; Richlin 1981: 386–7; Martin 1981: 121; Marshall 1990: 342. For the role (or lack thereof) of Appuleia's husband see Goodyear 1981: 346. For the recourse by Tiberius to the family for her punishment see Dixon 1992: 77–8.
 - 43 We have very little information concerning Aquilia's trial, which Tacitus mentions only in passing; see Ann. 4.42.3; see Rogers 1935: 91; Richlin 1981: 386–7; Woodman and Martin 1989: 201.
 - 44 Varilla's relatives removed her beyond the two-hundredth milestone, Tac. Ann. 2.50.4; cf. Suet. *Tib.* 35.1.
 - 45 Livy 39.18.6; Dion. Ant. Rom. 2.25.1; Plut. Rom. 22; see Corbett 1930: 134; Dixon 1992: 72–3.
 - 46 Cf. Dixon 1992: 78–9.
 - 47 Fantham 1991: 276–81 citing Val. Max. 3.5.2; 6.1.8; 5.9.1; 8.1.7 (cf. Plut. Marc. 2); Livy 8.22; these cases were variously tried before the senate, praetors, or the *iudicium populi*.
 - 48 Plin. Ep. 6.31.5; Gallita was condemned for her offense under the *lex Julia*. Trajan stated that it was a matter of a breach of military discipline in this instance (the adulterer was a centurion); military personnel condemned for adultery under the *lex Julia* were marked with *infamia*, Dig. 3.2.2.3.
 - 49 See Cornell 1981: 28 (and cf. 29–33) for the “legal” procedures that attended a charge against a Vestal for *incestum*. Such charges were extremely rare and the “trial” and punishment were carried out by the *pontifex maximus*. One indication that a breach of chastity had taken place was the extinction of the sacred fire, which could call into question a Vestal's violation of her vows, see Cornell 1981: 34.
 - 50 For the exemption see Cornell 1981: 35 citing Cic. Mil. 59; for the obligatory denunciation by slaves see Cornell 1981: 35 following Guizzi 1968: 144, who cites Oros. 4.5.6–9, which relates the episode of the Vestal Capparonia, who in 266 BC was executed with her lover and slave accomplices (*conscii servi*).
 - 51 Livy 8.15.7–8; for discussion of the punishment of the Vestals for their violation of chastity, see Dumézil 1970: 585–8; for the case of Minucia see Schumacher 1982: 14–23.
 - 52 For Aemilia see Alexander 1990: 19–20 citing Fenestella 21 fr. 11 Peter Macr. 1.10.5; Liv. Per. 63; Asc. (Clark pp. 45–6); Plut. Quaes. Rom. 83; Dio 26 fr. 87; Porphyryon ad Hor. S. 1.6.30; Obsequens 37; Oros. 5.15.22; for Licinia see Alexander 1990: 20 citing the same (except Macr. 1.10.6; Porphyryon); for Marcia see Alexander 1990: 20–1 citing the same as Aemilia (except Fenestella and Porphyryon), and adding Crawford RRC no. 413, 4283; also see Cornell 1981: 31–2, 36–7; Schumacher 1982: 24–8.

- 53 See Grelle 1980: 345–6; Schumacher 1982: 176–8; Jones 1992: 101–2. See Suet. *Dom.* 8.4 for his punishment of the Vestals; Varronilla and Oculata were allowed to choose their manner of death, while Cornelia was allowed no such luxury.
- 54 See Suet. *Dom.* 8.3; Jones 1992: 106–7 for discussion of Domitian as *censor* and his *correctio morum*.
- 55 See Mommsen 1887: 1.334–6; for a general discussion of the censorship, see Klotz 1939: 27.
- 56 Nippel 1995: 9 citing Macr. 3.17.1; Val. Max. 6.2.8.
- 57 For discussion see Gruen 1974: 257 citing Cic. *Har.* 58; *Pis.* 9; *Sest.* 55; *Prov.* 46; for its relationship to the Principate (by which time the *lex* had been repealed) see Bauman 1974: 166.
- 58 Raditsa 1980: 330.
- 59 The idea of the princeps as *pater* is not stretching the analogy too far; the Romans themselves thought in these terms. In Tac. *Ann.* 15.73.4 Junius Gallio was attacked for designs against Nero; he was referred to as a *parricidam*. Again, when Nero came to the helm in 54 he had to make it clear that the *res publica* and *domus* would now be two separate entities; he did not succeed. Cf. Galba's oration in Tac. *Hist.* 1.16.1, in which the analogy of the *domus Caesaris* and the state is made explicit: *sub Tiberio et Gaio et Claudio unius familiae quasi hereditas fuimus*.
- 60 See Raditsa 1980: 305–7 for discussion of Augustus' relationship to the censorship (citing Ferrero 1907: 189–90). While the “censorious” duties now bestowed on citizens did, in this sense, empower them by making a private concern a public “duty,” it simultaneously represented a serious usurpation of the rights of the individual *paterfamilias*: see Raditsa 1980: 320–1 for discussion. For Augustus' own assumption of censorial duties see Suet. *Aug.* 27.5, where he notes that Augustus was given the *morum legumque regimen aequae perpetuum*; for discussion see Parsi-Magdelain 1964: 373–412; Ducos 1991: 3187; the Roman warlords of the first century BC seem already to have been heading in a direction in which *censor morum* was included in their powers; see Parsi-Magdelain 1964: 399–401, 402.
- 61 Lacey 1986: 132 citing Cic. *Leg.* 3.1.2; Lacey also notes in this regard that “Plautus (*Menaechmi* 1030 [over a slave], *Bacchides* 450 [over a son]) also uses the word *imperium* as applicable within the family, and in this context calls *paterfamilias* *magister*. *Magister populi* was the ancient word for the dictator (Varro, *De lingua Latina* 5.82; Cicero, *De legibus* 3.9); his deputy was *magister equitum* and a censor is called *magister morum* (Cicero, *Ad familiares* 3.13.2).” Lacey 1986: 123 has also noted that the idea of *patria potestas* was at the heart of many Roman institutions, giving Roman magistrates a much wider field of discretion. In his capacity as master of the Roman *domus*, there might be some significance to the fact that Augustus also singled out specifically his restoration of the temples of the *Lares*, *Di Penates*, and *Aedes Iuventatis* in his *Res Gestae* 19; see Yavetz 1984: 15 for discussion.
- 62 See Lacey 1986: 125 for discussion.
- 63 See Lacey 1986: 126 for discussion of the *pontifex* as the *pater*; cf. Edwards 1993: 60, who has also noted that Augustus' title, *Pater Patriae*, indicated that the Empire was the emperor's home to regulate; cf. Tac. *Ann.* 3.28.3; the idea is supported in part by Tacitus' notion of *obsequium*, see *Agr.* 42.2; it is something a senator must show to the princeps, but also something a freedman must show to a patron, or a child to a parent; see Treggiari 1991: 238–41.
- 64 Suet. *Jul.* 43; see Cic. *Att.* 13.7 for their lack of success under Caesar.
- 65 *Igitur verso civitatis statu nihil usquam prisci et integri moris*, Tac. *Ann.* 1.4.1; cf. Tac. *Ann.* 3.28.2. Contra Goodyear 1972: 118 *mos* could refer to the traditional Roman constitution, but *integri*, which carries a moral implication, appears to argue against this; see Furneaux 1896: 184. Inasmuch as *mos* is a loaded word, there is no reason for it not to pack a full punch by ambiguously implying both meanings. *Mos* cer-

tainly refers to morality in the later passage (3.28.2). The restoration of corrupt *mores* could be a two edged sword no doubt; Pliny, too, could praise Trajan as a *corrector morum* (*Pan.* 53.1). One might ask by what methods Trajan earned the title.

- 66 The bibliography concerning *repetundae* in the imperial period is large; see e.g. Brunt 1961: 189–227; Mattingly 1970: 154–68; Sherwin-White 1972: 83–99; Lintott 1981: 162–212; Cloud 1988: 579–95; 1989: 427–65. Strictly speaking, *repetundae* is translated “extortion,” but here we can also understand the term as a blanket one used by our sources, Tacitus in particular, to refer to provincial maladministration (although it can also refer to offenses not concerned with provincial administration; hence, a violation of the *lex Cincia* was considered an offense *de repetundis*). Of the approximately 56 trials between 149 and 50 BC *de repetundis* (or possibly *de repetundis*) Alexander cites in his study (1990: *passim*), the outcome of nine remain in doubt, fourteen resulted in condemnation, three in possible condemnation, while twenty-four resulted either in acquittal or in the charges being dropped altogether, with six more resulting in possible acquittals.
- 67 Tacitus himself states that cases *de repetundis* made for exciting courtroom drama during the Republic; see Tac. *Dial.* 37.4, 6. We have only 33 trials *de repetundis* in our period (ca. AD 13–107); see Talbert 1984: 506–10 for a summation of *repetundae* trials from AD 13 to 205 (a total of only 36); see also Brunt 1961: 224–7; Bleicken 1962: 158–66.
- 68 Cf. 4.7.4; also Philo *Flac.* 106, who remarks the impartial justice Augustus and Tiberius meted out to governors; in addition, the punishment for corrupt officials appears to have been expanded beyond simply the governor to include other officials during the Principate, see *Dig.* 48.11.1 *pr.*
- 69 See Avonzo 1957: 8–9, 66; Bleicken 1962: 36–43; Talbert 1984: 451 for discussion of the SC *Calvisianum*.
- 70 See Brunt 1961: 204 for discussion. After the trial was heard in the senate a board of *iudices* established by the SC *Calvisianum* might have decided on damages and compensation (see Brunt 1961: 200), though, as Brunt notes, the senate at least on one occasion, ruled on damages (*Plin. Ep.* 2.11.9). Brunt 1961: 195–6 further notes that (under the Gracchan law) the condemned were compelled to pay sureties to the wronged parties, and that, forfeiting this, their assets were sold by the state, and compensation then given to the injured parties; what was left remained in the *aerarium* (citing *FIRA* 1.7.57–68 = 1.81–2); he conjectures that this was still very likely the procedure in Pliny’s day.
- 71 See Talbert 1984: 479–80; cf. Brunt 1961: 217; Garnsey 1970: 20.
- 72 The precedent for conducting cases of maladministration under *maiestas* begins with the trial of Servilius Caepio for incompetence while conducting the campaign against the Cimbri at Arausio in 105 BC, which led to his conviction in 103 at the hands of C. Norbanus. For a detailed discussion of the case of Caepio and its context in the history of *maiestas* see Bauman 1967: 40–7; Alexander 1990: 33–4. A generation later Cicero threatened Verres with prosecution under the *lex Cornelia de maiestate* for his mismanagement of Sicily; see Alexander 1990: 91 citing *Cic. Ver.* 1.12; 5.79. Twenty years later, in 50 BC, P. Cornelius Dolabella prosecuted Ap. Claudius Pulcher under the *lex Cornelia de maiestate* for improprieties (their precise nature is uncertain) for his governance of Cilicia; see Alexander 1990: 166 for discussion and bibliography.
- 73 For the problems in chronology see Syme 1939: 309. For a detailed discussion of the Gallus affair see Daly 1979: 289–311; Raaflaub and Samons 1990: 423–5.
- 74 See e.g. Ehrenberg and Jones 1955: 142–3 = SEG 38.8.
- 75 Tac. *Ann.* 3.38.1; see Köstermann 1955: 98–9; Shotter 1980: 231–2; Martin 1981: 136.

- 76 Tac. Ann. 3.70.1. For provincials speaking on the side of accusers see e.g. Tac. Ann. 13.33; for the role of provincials in the senatorial court *de repetundis* see Talbert 1984: 464–5. Strict laws regulating the use of witnesses from the provinces appear to have strengthened the senate's hand in protecting its own during the Republic, something which probably carried over into the Principate; see Brunt 1961: 199 for discussion.
- 77 See Caepio Crispinus' *vita* in Part II; also see Köstermann 1955: 83–6; Brunt 1961: 199; Schumacher 1982: 125–7 (on the slave interrogations for this case); this is one (if not the last) of the cases *de repetundis* we hear of going *ad recipitatores*; afterwards they are all tried, as far as we know, before the senate.
- 78 For the prospects of prosecutions governors of Asia faced upon their return, see Levick 1985: 59; see also Brunt 1961: 200; Bauman 1974: 92–9; Schumacher 1982: 134–6 (on the inquisition of Silanus' slaves).
- 79 See Mam. Aemilius Scaurus' *vita* for the bibliography of the trial and this question. Woodman and Martin 1996: 466 cite several reasons for accepting that the charge *de maiestate* was dropped. They argue that, since Augustus' letter concerning Messalla Volesus (a corrupt and cruel proconsul of Asia) is read at this trial as precedent for the case against Silanus, several things can be adduced: 1. There is no evidence Volesus was tried for *maiestas*. 2. Following Seager 1972: 160, "it is likely that Silanus too was condemned only for extortion and cruelty and not for *maiestas*." 3. "Such a conclusion would agree with T.'s authorial statement at 67.1 (*nec dubium habebatur ...*)." 4. The word *subdebantur* indicates a subsidiary role for the *crimen maiestatis*. Contra see Bauman 1974: 95–7, who argues that the case of L. Valerius Messalla Volesus was one of *maiestas* since it was cited as precedent in the case against Silanus.
- 80 See Bauman 1974: 98–9, who notes that the introduction of the *maiestas* charge would have discouraged anyone from coming to his defense. Woodman and Martin note that *maiestas* and adultery were the two charges which allowed for the interrogation of slaves under torture, 1996: 464–5, although this was not necessarily the case for *repetundae*; see Brunt 1980: 256–65; the interrogation of slaves could have simply been an extraordinary procedure in this instance.
- 81 See Cloud 1989: 427–65 for an extended discussion of the *lex Julia de vi*. Under Augustus the check on *de vi* in the provinces became more efficient and systematic; those convicted of *vis publica* were interdicted from fire and water; see Dig. 48.6.10.2; see Cloud 1989: 439 for discussion. Cloud 1988: 587 argues for a single Augustan *vis* statute. Dig. 48.6.7 tells us that anyone was liable under the *lex Julia de vi publica* who, while holding office or *imperium*, executed or flogged a Roman citizen contrary to his right of appeal; the trial was analogous to *repetundae*, see Garnsey 1970: 30. For a succinct discussion of the provisions of the *lex Julia de vi* see Brunt 1961: 193.
- 82 See Rogers 1935: 79; Furneaux 1896: 516; Seager 1972: 190–1; contra see Bauman 1974: 223, who argues that after 17 there were no significant inroads made in verbal attacks until Sejanus' rise to power.
- 83 See Avillius Flaccus', Isidorus', and Lampo's *vitae*.
- 84 Tac. Ann. 12.22.4; Rufus was expelled from the senate and restored by Otho (Tac. Hist. 1.77.3), along with Pedius Blaesus and Saevinus Paquius, who had also been expelled for crimes *de repetundis* under Nero and Claudius.
- 85 For provincial maladministration under Nerva and Trajan see Syme 1979a: 10: "The provinces rejoiced in Domitian's rule – as they had afterwards, under Nerva and also under Trajan, good reason to deplore his death."
- 86 See Jones 1992: 109. Massa was probably soon restored; cf. the case of Lurius Varus, Tac. Ann. 13.32.2.

- 87 Plin. *Ep.* 3.9; 6.29; the date is almost certainly after Marius Priscus' trial in 100, possibly early 101; see Sherwin-White 1966: 230–8; Brunt 1961: 203–4.
- 88 What makes it likely that Classicus' death was not a suicide is that it would be an almost unique instance of such a death in connection with a charge *de repetundis*, exclusive of other charges, under the Early Principate. See Brunt 1961: 203 for the arguments against Classicus' death as a suicide; such an action did, however, have precedent from the Republic. See the case of C. Licinius Macer in 66 BC, who, charged *de repetundis*, committed suicide, although after condemnation; see Alexander 1990: 98. Cf. the case of C. Papirius Carbo *de repetundis* in 119 BC, in which he committed suicide; see Alexander 1990: 16; in 140 BC D. Junius Silanus also committed suicide in the wake of a *repetundae* trial; see Alexander 1990: 6.
- 89 See Sherwin-White 1966: 233, who notes that "Only a capital sentence rendered the whole estate liable to confiscation" (citing *Dig.* 48.20.1), but that even in such instances a portion of the guilty party's goods could be set aside for his or her children (citing Tac. *Ann.* 3.68; 4.20).
- 90 Plin. *Ep.* 5.20; see Sherwin-White 1966: 351–4 for discussion, who notes that Varenus (*PIR*¹ V 177) is very probably to be identified with the *hegemona poneron* in Dio Chrys. *Or.* 43.11, with whom Dio was accused of cooperating – indeed, Dio was accused of being a *kategoros* against his fellow citizens, including forcing his fellow citizens to death or exile; also see Brunt 1961: 217. For Pomponius see *PIR*² P 750; for Theophanes see *PIR*¹ T 124.
- 91 But see Brunt 1961: 191, who notes that "what purported to be gifts or business transactions [in the provinces] could be a screen for violence or corruption (cf. *Ver.* 4.10). The law, therefore, forbade all enrichment by senatorial officials, allowing only certain specific exceptions." Pliny knew full well the acceptance of gifts was prohibited; see *Ep.* 4.9.7. For further discussion of this case see Brunt 1961: 203; he is rightly skeptical of Bassus' innocence, despite Pliny's defense.
- 92 Pliny's remark that they had been ordered to undertake the prosecution should hold little water with us; under a good princeps, such as Trajan, they should have been free to refuse, unlike Julius Graecinus, Agricola's father, who was executed for refusing to prosecute M. Silanus during Gaius' reign, Tac. *Agr.* 4.1.
- 93 See Brunt 1961: 197; Alexander 1990: 34–7, 49–50, 88–90, 163.
- 94 For the prosecution of a governor's minions see Brunt 1961: 198, citing Plin. *Ep.* 3.9.12–22; 6.29.8; also citing *Dig.* 1.16.6.3; 12.1.34; 18.1.62 *pr.*; 48.11.5; 49.14.46.2.
- 95 On the authority and jurisdiction of imperial governors see Jones 1955: 475, 482–4; Kelly 1957: 75–6; Garnsey 1968: 51–9; jurisdiction appears to have depended on the status of a given province, e.g. whether it was governed by a *propraetor* or *proconsul*.
- 96 See Plin. *Ep.* 10.56; 10.58; 10.81; for discussion of the case, see Johnson 1988: 418–20.
- 97 Plin. *Ep.* 10.58.2–3; Sherwin-White 1966: 640 conjectures that Archippus was the accuser of Dio Chrysostomus in *Or.* 43.5–6, 11–12.
- 98 Plin. *Ep.* 10.60; for Furia see Sherwin-White 1966: 645.
- 99 Plin. *Ep.* 10.81.1–3; see Millar 1977: 522 for the introduction of *maiestas* in this case.
- 100 For discussion see Johnson 1988: 418–20, who notes that in the case of the Christians the charge of a foreign superstition constituting a *hetairiae* of the sort Trajan had been attempting to suppress would have been more compelling, perhaps, than pursuing a charge of *maiestas*.
- 101 See Ehrenberg and Jones 1955: 139–43 = SEG 38.8; Anderson 1927: 34–8; Oliver 1949: 105; Jones 1955: 482 for discussion.

- 102 The jury could not consist of members of the defendant's or plaintiff's city, see Anderson 1927: 40.
- 103 For a general discussion of the use of the New Testament as a source for Roman historical and cultural realities see Sherwin-White 1963: 24–5, with whose interpretation of the trial I am in general agreement: "In the hearing before Pilate the synoptic narrative fits the Roman framework remarkably well, considering that it was written with an entirely different purpose in mind," cf. Sherwin-White 1963: 187–93. For a good recent discussion concerning whether or not there was indeed a trial, see Crossan 1995: 114–17; cf. 82–117 for a general discussion of the gospel accounts of the trial. A. Watson 1995: 41–2 argues, on the other hand, that it is unequivocal that Jesus went on trial, and that the procedure was probably identical to that of the Christians interrogated before Pliny, in which the imperial procurator acted at his own discretion.
- 104 The charges are, not surprisingly, a matter of contentious controversy; see Sherwin-White 1963: 32–3. For the general scholarly consensus of the primacy of Mark over the other gospels see Brown 1994: 46–53; for an exhaustive look at the trial of Jesus before the Sanhedrin see Brown 1994: 315–560.
- 105 On Jesus' lack of a defense see Sherwin-White 1963: 25–6. Brown 1994: 719–20 asserts that Jesus' silence argues for his innocence, but a Roman procurator will have seen this no doubt as insolence, cf. Plin. *Ep.* 10.96.3; cf. Brown 1994: 665–877 for the "Roman" trial of Jesus, esp. 665–759.
- 106 For the confusion concerning under whose jurisdiction Jesus came as a Galilean, Herod's or Pilate's, see Luke 23.6–11. For Herod's jurisdiction see Sherwin-White 1963: 28–32. For a good recent discussion of the interrelationship between the Jewish and Roman claims in the trial, see Bammel 1984: 415–53; cf. Sherwin-White 1963: 33–44.
- 107 See esp. Luke 23.17–24; John 19.4–16.
- 108 Brown 1994: 680–6 makes a number of arguments against these charges that need answering. He argues that Jesus' movement was non-violent, that he was not aiming at any sort of rule or overthrow, that his gathering in the desert was innocuous enough, and he cites as evidence the relatively peaceful state of Judaea – though isolated instances of violence in individual provinces were not unheard of, such as the revolt of Sacrovir in Gaul. But none of this means that Jesus was innocent in the eyes of the Roman authorities, and there is ample evidence in the gospels for actions that could have been subject to any number of charges.
- 109 See Brandon 1968: 145–7 for discussion.
- 110 Brandon 1968: 149; cf. 145; for the charge of setting himself up as king see John 19.12; Mark 15.2; Matt. 27.11.
- 111 See e.g. Mark 1.39–45; 2.3–5; 3.1–5; 5.2–8; 6.35–44; 7.32–5; cf. Acts 16.16; see Barnes 1968: 48–9 for discussion.
- 112 Citing, *inter alios*, Veleda, a prophetess among the Germans, who would become a prominent figure – indeed, something of a rallying point – in the revolt of Civilis in 69–70, see Tac. *Hist.* 4.61, 65; 5. 22, 24; Potter 1994: 171; also citing the revolt of Bar Kokhba.
- 113 See Brandon 1968: 150.
- 114 Sherwin-White 1963: 47 citing John 19.12.
- 115 See Sherwin-White 1963: 24–5, 27 noting that it was an *extra ordinem* procedure that actually fit the framework of a summary investigation by the province's chief magistrate, citing Plin. *Ep.* 10.96.3; cf. Crossan 1995: 117. It has been pointed out to me by Professor Lapin, however, that the formal inquiry may be more reflective of Luke's own milieu (in Greece or Asia Minor) in the late first century, than of the one that would have taken place in Palestine in the 30s.

- 116 It could be asserted that the accusation concerning the destruction of the temple was a *vaticinium ex eventu*, given the date of the gospel's composition; the complexities of the accusation of subversion of the temple (particularly emphasized in Mark) have been answered, successfully I believe, by Crossan 1995: 108–11.
- 117 This is all the more true when we consider the dubious view Romans had of prophecy, and, presumably, prophets during the time of Augustus and Tiberius; see Potter 1994: 95–6.
- 118 And Pilate grew to political maturity in a Rome where magic and astrology – and prophecy in particular – were viewed with deep suspicion and prosecuted. In 13 BC Augustus conducted a “search and destroy” operation against spurious prophecies (Suet. *Aug.* 31.1), and Tiberius, in AD 16, expelled astrologers from the city as subversives (Tac. *Ann.* 2.32.5).
- 119 See Crossan 1995: 69–75, who calls into question the historical reality behind Judas, and sees him as an “anti-Jewish” construction by the writers of the gospels. For Curius and Vettius see Appendix 3, pp. 311–13; for Flavius Milichus see pp. 168–9; cf. his *vita* in Part II.
- 120 See Acts 23.27; 23.34–5; Josephus *AJ* 20.137 calls him Claudius Felix, while Tac. *Hist.* 5.9.3 calls him Antonius Felix, though he may have taken Claudius' name, since he was the brother of Claudius' freedman, Pallas. For Felix see *PIR*² A 828; *RE* 1.2617 = Antonius 54 (Rohden). Felix himself nearly fell victim later to a Jewish delegation which accused him of misgovernment during his tenure in Judaea, Jos. *AJ* 20.182; cf. Tac. *Hist.* 5.9.3 for Felix's poor governance. For a discussion of Paul's accusation, imprisonment, and appeal, see Wilson 1997: 212–16.
- 121 Festus refused (or did not understand) the religious charge, see Sherwin-White 1963: 50 citing Acts 25.18–19, 25.
- 122 For the problem in the succession date of Festus see Knox 1987: 46–7; for the trial see Sherwin-White 1963: 48–70; Garnsey 1970: 75–6.
- 123 See Acts 25–6 for Paul's trial before Festus and Agrippa; for Paul's citizenship and its legal implications see Sherwin-White 1963: 57–70; for provincials' right of appeal under the Principate see Jones 1955: 475–6; on the development of gubernatorial legal jurisdiction between the Republic and the Empire see Jones 1955: 478–9; the appeal does not necessarily reflect normal procedure; see Garnsey 1970: 76, who argues that a provincial's prerogatives to have a case referred to Rome may have been rare if not obsolete.
- 124 Sherwin-White 1963: 102 argues that the Jews of Corinth could have invoked a decree of Claudius' guaranteeing “quiet enjoyment of their native customs throughout the Diaspora.”
- 125 Similar cases appear when Verres was governor of Sicily, such as that in which agents also informed Verres about a particularly fine set of silver owned by Herodotus of Cephaloedium to which he helped himself, Cic. *Ver.* 2.128. Sicily's ports were also frequented by informants to report any ships that had come in with a particularly enticing or lucrative cargo, Cic. *Ver.* 5.145. It was not unheard of for an entire town to be notorious for virtually breeding informants, being put *en masse* on the governor's payroll; see Cic. *Ver.* 5.160–8.
- 126 See Cic. *Ver.* 2.19–24 for the case; cf. the case of Diodorus of Melita, Cic. *Ver.* 4.40. This is by no means the only such case under Verres, who had also appropriated a legacy of a certain Epicrates after it was brought to his attention through his agents; see Cic. *Ver.* 2.53–61.
- 127 For Isidorus see Bowersock 1987: 312–13; see the *vitae* of all three for general discussion.
- 128 See Millar 1964: 41, who argues that the *publicani*, active under the Republic, disappear from most areas under the Empire, when communities are left to pay

- tribute themselves (citing Brunt in A. H. M. Jones 1974: 180); for a different view see Nicolet 1984: 101–2.
- 129 Luke 19.8. Cf. *Dig.* 3.6.7.2: the *publicanus* who has taken possession of property not his due was liable to an *actio in factum*, which entailed payment of fourfold damages; but the *publicanus* was also allowed to return that which he had taken by force (though the penalty, if simply a matter of false accusation, may have been different; elsewhere the *Digest* [39.4.1.3–4; cf. 39.4.6] says that the penalty was only twofold, fourfold if it involved *vis* or *furtum*), and was thereby freed from any legal action. Zacchaeus lived in Jericho in Judaea, hence was in Roman employ. Jesus' action here must be seen in the context of one of his resistance to the payment of tribute to Rome.
- 130 Prosecutors and informants appear to have been an abiding presence in land disputes throughout Rome's history. They played a role in the land confiscation of 205 and 133 BC, and probably during the proscriptions of the second triumvirate. The first confiscation was a result of the financial stress of the Second Punic War, Livy 28.46. The quaestors were instructed to sell a part of the Campanian territory, and offered rewards to any with information concerning land owned by Campanian citizens so that it might become state property. Informers were offered one-tenth of the land's value as reward. Informers were also used to implement Tiberius Gracchus' land reforms (App. BC 1.18); a rash of lawsuits against landholders followed, and probably enrichment for any who successfully prosecuted them.
- 131 Tac. Ann. 6.16.1; 6.16–17 for the whole episode. For discussion see Furaux 1896: 614–16; Köstermann 1965: 277–81; Levick 1976a: 104; Bauman 1989: 71.
- 132 Part of the penalty in the area of property ownership appears to have been the confiscation of estates, which were probably auctioned off by the *aerarium*, with a portion of the proceeds going to the accuser, Tac. Ann. 6.17.1.
- 133 Tac. Ann. 6.17.4; Suet. Tib. 48.1; Dio 58.21.4–5.
- 134 And which was celebrated in the *anaglypha Traiani*, see Torelli 1992: 91.
- 135 For a detailed discussion of this passage see De Martino 1955: 32–48; Danek 1988: 223–41; Cloud 1992: 159–86; Scarfuro 1997: 454–5, 466–7.
- 136 See esp. Cloud 1992: 176–7.
- 137 See Cloud 1992: 185–6 for discussion.
- 138 For the legislation concerning the contesting of wills, see *Dig.* 5.3.6; 5.3.10.
- 139 *Dig.* 49.14.44; see Giovannini 1987: 224–5, 238 citing *Dig.* 2.15.8.19; 40.5.4.20; 49.14.13, 15, 42. The praefects of the *aerarium Saturni* were responsible for hearing *delationes* of a fiscal nature and for investigating charges they deemed worthy of investigation. There was also a twentieth part inheritance tax that normally went into the *fiscus militaris*; see Plin. Ep. 7.14; cf. 4.12; Wallace-Hadrill 1981: 63; Giovannini 1987: 224.
- 140 Cf. Tac. Ann. 3.28.4; under the *lex Papia Poppaea* intestate estates fell to the *fiscus* as *bona caduca*; similarly *vacantia*; see Astolfi 1970: 253–61 for the distinction between *caduca* and *vacantia*; Millar 1977: 153–8; Wallace-Hadrill 1981: 72; Treggiari 1991: 75–7.
- 141 Dio 60.6.3; 60.17.7; see Millar 1977: 153–8 for a general discussion, esp. 156.
- 142 Suet. Dom. 12.1 says that he resorted to the confiscation not only of the goods of the living, but of the dead as well to fill the treasury (though we may doubt this).
- 143 See Biondi 1955 for general discussion; Astolfi 1970: 337–40; Millar 1977: 161; Giovannini 1987: 221–2; Watson 1971: 167–70, 35–9 for discussion (esp. 29–31 for the *lex Voconia*); for a discussion of the *lex Voconia* and its intent in regard to women, see Gardner 1986: 170–8. In 169 BC the *lex Voconia* was passed to protect fortunes against those who looked to gain from wills, and might have been directed against women in particular; the *lex Papia Poppaea* also limited the amount of an inheritance; see Rotondi 1912: 438. Giovannini notes that what Pliny says con-

- cerning the *lex Voconia* and *Julia* are not congruent with his remarks concerning the *lex maiestatis*; *delatores* were active as much under inheritance laws as they were in the political sphere.
- 144 See Rogers 1947: 150–2; he notes, for example, that there is no evidence that Domitian was concerned with anything else in the case of Agricola other than that he receive due commemoration. Contra see Keenan 1987: 1–8, who argues that the political atmosphere of the Principate drastically curbed testamentary freedom, with some notable exceptions, such as Fulcinus Trio's will: Fulcinus' will launched a vitriolic attack against Tiberius, but this does not appear to have affected the terms of the will adversely (at least a hostile Tacitus says nothing), *Ann.* 6.38.2–3.
 - 145 See Ducos 1991: 3187 for discussion of the *vicissima hereditatum* (citing Suet. *Aug.* 34; Dio 56.28.5); cf. Biondi 1955: 599 for the *lex Julia de vicissima hereditatum*.
 - 146 Plin. *Ep.* 2.16.3–4; wills without proper legal solemnities were rendered *nullius momenti*, *Dig.* 28.3.1; see Sherwin-White 1966: 185–6 for discussion.
 - 147 See Jos. *BJ* 7.218; Suet. *Dom.* 12.2; see Jones 1992: 74, 118–19; Goodman 1989: 40–4 for general discussion of the legislation.
 - 148 For discussion of the coin evidence see Shotter 1983: 223; Williams 1990: 198–200, 202 notes that *delatores* were potentially assisted by the confusion which still probably existed between Judaism and Christianity; on Nerva's reform see Goodman 1989: 40, 44. There is, however, no evidence that the practice of Judaism *per se* ever constituted a charge of *maiestas* except in extraordinary circumstances, as in the accusation against Flavius Clemens (*PIR*² F 240) and Flavia Domitilla (*PIR*² F 418), and even then, it was simply subsidiary to the main charge of treason; see Williams 1990: 208–9.
 - 149 Confiscation from which a prosecutor could profit was not generally a penalty for *repetundae*; see Brunt 1961: 203; cf. *Juv.* 1.49–50.
 - 150 Therefore during the Republic we find cases in which officials denounce one another for various forms of corruption; see e.g. Livy 25.3; cf. 30.39.

4 SENATORIAL OPPOSITION AND RESISTANCE I: TIBERIUS TO CLAUDIUS

- 1 Personal enmity and revenge were a recognized part of prosecution. For discussion of *inimicitia* and its relationship to prosecution in general, see Epstein 1987: 92–5. A prosecution could result in enmity not only between prosecutor and prosecuted, but between members of their families and among their friends as well (Epstein citing e.g. Cic. *Flac.* 77). For the problems concerning motives for prosecutors under the Republic see Epstein 100–2; for a discussion of specific trials see Epstein 104–26. Cf. *SEG* 38.8 (Augustus' edict from Cyrene) esp. 1.32–4, where he notes the role of revenge (and enmity) in prosecution; the accused, according to the edict, could exclude up to three witnesses attested to be personal enemies.
- 2 Some scholars err on the side of excessive caution when they argue that factionalism, such as it existed in the Republic, was unknown to the Principate. They are correct for the most part, but this leads to a somewhat distorted view and, it should be noted, this is not how the Romans viewed the new state of affairs. The *lex Julia de maiestate* stipulated that those who created factions were liable to punishment, indicating a need for their suppression, at least at the time of the law's passage. In addition, we may note that there was still enough of a fear and a perception of the existence of factionalism that Cossutianus Capito could appeal to it in his denunciation of Thrasea Paetus in 66 (see p. 116).
- 3 With Allen 1941: 5, who notes that there was no notion of a “platform” involved in the political factions of the Principate – only a few men with self-interested

- motives constituting something closer to a “cabal,” “Since they would not penetrate too deeply into the senate”; cf. 12, “The only possible politics after this time [i.e. Augustus’ advent] would be within his own party, which would soon degenerate into palace politics.”
- 4 See Raaflaub 1987: 43 for discussion of the princeps’ faction.
 - 5 As McAlindon 1956: 114 rightly notes, “many condemnations, attributed to a multitude of causes, appear, when seen in their context, to have been at least understandable precautions and sometimes justifiable measures against treason, committed or contemplated.” Cf. Levick 1985: 56.
 - 6 For discussion of the date, purpose, and application of the *lex Appuleia*, which was (not surprisingly) partisan, see Bauman 1967: 34–58. The *lex*, as has been recognized, had its origins still earlier than this, reaching back well into the Middle Republic; see Ferrary 1983: 556–7; cf. 557–71 for the scope and purpose of the Saturnian law.
 - 7 For discussion see Bauman 1967: 68–87; Keaveney 1982: 170–1. There was a *lex Varia de maiestate* which intervened between the *lex Appuleia* and *Cornelia*, but its scope is uncertain, see Bauman 1967: 59–68; Seager 1967: 37–43; for penalties under the *lex Cornelia* see Levick 1979: 363–5 (individuals were subject to execution).
 - 8 For discussion of the *lex maiestatis* see Ciaceri 1918: 249–308; Köstermann 1955: 72–106; Chilton 1955: 73–81; Rogers 1959: 90–4; Allison and Cloud 1962: 711–31; Goodyear 1981: 141–50 (with a select bibliography); for discussion of the *lex* in the Republic see e.g. Gundel 1963: 281–320; for punishments see Levick 1979: 358–79. For discussion of whether it was Caesar or Augustus who introduced the second *maiestas* law, see Allison and Cloud 1962: 711–31. Cloud 1988: 579–95 argues that there were two Julian laws, one passed by Augustus, the other by Caesar.
 - 9 The penalties under the *lex* are not without their problems. See Garnsey 1970: 43–5; Levick 1976a: 187; 1979: 358–79 esp. 375, who argues that the penalty for the Caesarian law was death and that the senate, while it could opt for it, could also choose interdiction if the crime was not felt to merit so severe a sentence; Goodyear 1981: 144–5, Chilton 1955: 79, and Bauman 1967: 230 (citing Tac. *Ann.* 3.50.6), all argue that under Tiberius, at any rate, the penalty for *maiestas* was complete confiscation and interdiction. Allison and Cloud 1962: 723 argue that it was Caesar who replaced the death penalty with interdiction. For a general discussion of penalties under the *lex* and a good general discussion concerning the implementation of punishments see Braginton 1943–4: 391–407, esp. 394.
 - 10 For the law of libel and *maiestas* see Tac. *Ann.* 1.72.3–4; cf. 4.32.4. For discussion of the history and development of the law of libel along with *maiestas* see Bauman 1967: 252; 1974: 15, 21, 27; Smith 1951: 169–79; Goodyear 1981: 142–51. The first trial for such an offense was T. Labienus (so Goodyear citing Sen. *Contr.* 10 *pr.* 5–8; cf. Hennig 1973: 245–54). Contra see Allison and Cloud 1962: 718–19, who argue that from the time of the *lex Cornelia de maiestate* the scope of the law was wide enough to include insult to anyone of any importance to the state (citing *Rhet. Her.* 2.12.17; cf. Cic. *Inv.* 2.53), therefore a law for libel was already in place by the time of Augustus.
 - 11 Levick 1976a: 184. For the *lex maiestatis* as it developed under Tiberius see Marsh 1931: 106 and 284; Seager 1972: 162; Walker 1960: 88; Chilton 1955: 73; Syme 1958: 418–19.
 - 12 See Bauman 1967: 51–3 for discussion and the ancient references to the different interpretations. For the vague wording of the law see e.g. Cic. *Inv.* 2.53: “To diminish *maiestas* is to take away anything from the dignity (*de dignitate*), greatness

- (*amplitudine*) or power (*potestate*) of the Roman people or from those to whom the Roman people has given power.”
- 13 Levick 1976a: 183–4 citing Cic. *Fam.* 3.11.1; Smith 1951: 176 has argued that Sulla tried to define the nature of *maiestas* more precisely.
 - 14 Though *delatores* were adepts at skirting the law’s remission, even under Titus, Nerva, and Trajan; see Bauman 1974: 18–21.
 - 15 Avonzo 1957: 104–5 citing Tac. *Ann.* 2.29; 3.11; 3.22; 16.33; the advocate of the one accused of *maiestas* could potentially be punished along with the accused, Quint. *Inst.* 5.10.107; cf. 7.1.42; 7.1.57.
 - 16 So Bauman 1974: 55–6 citing Tac. *Hist.* 1.2; 1.3; he also notes that consistently there is harsh action taken against slaves in conjunction with the abolition of *maiestas* charges, citing Dio 67.1.3; 68.1.2; *HA Vit. Com.* 19.7; *Vit. Pert.* 9.10; cf. Tac. *Ann.* 13.10.3 and Jos. *AJ* 19.12, 131. Slaves were sold to the imperial treasury for interrogation, see Tac. *Ann.* 2.30.3.
 - 17 Bauman 1974: 44–5 (slave evidence became admissible according to Bauman in AD 8); also see Levick 1976a: 185.
 - 18 Bauman 1974: 54 citing Suet. *Nero* 10.1.
 - 19 Walker 1960: 84–6; cf. Garnsey 1970: 105–11.
 - 20 For a general discussion of opposition and resistance to Augustus see Raaflaub and Samons 1990: 417–54: they argue that opposition to Augustus was slight and sporadic and our sources present too vague a picture to conclude that there was organized resistance.
 - 21 See Bauman 1974: 95–6 for discussion; for Valerius see *PIR*¹ V 96.
 - 22 For the question of the date see Cassius Severus’ *vita* in Part II; see esp. Bauman 1967: 259–64; for the nature of his offense and the historical circumstances see Bauman 1974: 30, who connects his prosecution with the crisis of Agrippa and concern for the succession, or with Ovid’s exile; Cramer 1945: 168 argues that his prosecution was during the famine of AD 6–8, when criticism was leveled against the government, and revolution or talk of it was on the rise (citing Dio 55.26.1–5; Suet. *Aug.* 42.3); for whether his offense fell under *maiestas* see Bauman 1974: 49, who argues against this.
 - 23 See Cramer 1945: 172–3; Raaflaub and Samons 1990: 439–41; Goodyear 1981: 151; Hennig 1973: 245–54 for Labienus’ trial and punishment; Seneca the Elder found the punishment new and novel (*Contr.* 10 *pr.* 5; cf. 10 *pr.* 6–7); the trial took place between AD 6 and 8, but Seneca’s account is contradicted by Tacitus, who says the first to undergo such punishment was Cassius Severus (*Ann.* 1.72).
 - 24 Sen. *Contr.* 10. *pr.* 8; for Augustus’ tolerance see *Contr.* 2.4.13; for senatorial action in this area see Raaflaub and Samons 1990: 441; the prosecution of words was not unheard of during the Republic; Hennig 1975: 58 (with nn. 80–1) and Bauman 1967: 28 both note that Claudia Pulchra was tried for remarks construed as a rebuke against the Roman people in 246 BC citing Val. Max. 8.1.4; Livy *Per.* 19; Suet. *Tib.* 2.3; Gel. 10.6; Suetonius says that she was tried in the *comitia tributa* for *maiestas*, and Bauman 1967: 28 argues against taking Suetonius’ remark as anachronistic.
 - 25 Dio 56.27.1; in conjunction with this, he ordered that the circumstances of those living in exile be made harsher, Dio 56.27.2–3.
 - 26 For the improprieties of a quaestor charging his governor see Cic. *Div. Caec.* 60–1. Instances of minor officials accusing their proconsuls of corruption are not confined to the Early Principate; see Plin. *Ep.* 6.22; see Sherwin-White 1966: 382–3 for discussion.
 - 27 For discussion of this passage see Seager 1972: 154, who argues that Tiberius’ ire is directed at the trivial nature of the charges and at the repetition of malicious gossip against him; against this interpretation see Köstermann 1955: 86 citing Tac. *Ann.*

- 4.42; see Dio 57.9.2–3 for his repression of *maiestas* in this area (*impietas*) in particular; see also Bleicken 1962: 63.
- 28 For the cases of Falanius and Rubrius see Tac. *Ann.* 1.73; for Falanius see Demougin 1992: 185–6; Goodyear 1981: 153; for Falanius and Rubrius see Syme 1970: 68–9; Seager 1972: 152–3; Bauman 1974: 71–3, 75–6; for Rubrius see Demougin 1992: 186–7; Marsh 1931: 109–10; Levick 1976a: 192–3; Syme 1970: 68–70.
- 29 There is room to doubt Tacitus' assertion, however, that this was, in fact, "the first intimation of evil"; between AD 6 and 7 Augustus took over the case of Aulus Stlaccius, a Roman citizen from Cyrene. He was accused by Cyrenian envoys of removing statues from public places, one with Augustus' name inscribed on it by the city. Augustus took over the matter and investigated it himself, though what the outcome was remains unknown – as does the charge. See Anderson 1927: 39.
- 30 Tac. *Ann.* 2.50.1; Bauman 1974: 77–8; Goodyear 1981: 344–6; Levick 1976a: 192; Rogers 1935: 27–8; cf. p. 61 n. 42.
- 31 For discussion of this case and bibliography, see Suet. *Tib.* 49.1; Tac. *Ann.* 3.22–3; Köstermann 1955: 94; Walker 1960: 97–8; Townend 1962: *passim*, who gives no attention to the charges of astrology; Garnsey 1970: 29. For the problems in the chronology of Quirinius' and Lepida's marriage and her subsequent marriage and divorce from Scaurus see Woodman and Martin 1996: 212–13.
- 32 See Rogers 1935: 51–6, who argues that the *maiestas* charge was dismissed; Seager 1972: 156–7 is ambiguous; Woodman and Martin 1996: 215, 221 doubt the acceptance of *maiestas* in this case. Seager is justly cautious – we cannot know, but the ultimate punishment of *interdictio* plus confiscation looks suspiciously like *maiestas*. Ciaceri 1918: 254–5 argues that it is unlikely that the charges for *maiestas* were in any way related to those of consulting astrologers.
- 33 On the date of the games see Woodman and Martin 1996: 218, who argue for the *Ludi Megalenses*.
- 34 For the slave interrogations in this case see Schumacher 1982: 130–3.
- 35 See Woodman and Martin 1996: 212–13. The child was possibly that of Mam. Aemilius Scaurus.
- 36 So Woodman and Martin 1996: 212, 220.
- 37 Though there was always a way to skirt *maiestas*; the law was in abeyance when the younger Camillus was prosecuted for a similar offense in 52. It could be in light of Aemilia's case that Dio (57.19.1–1b) under the year AD 20 states that Tiberius always pushed *maiestas* trials to their bitter end, and that he did this under any pretext for any improper deed or speech against Augustus, himself, or his mother.
- 38 See Cramer 1954: 255–6. Such charges were always grave and taken most seriously. We need only consider Tiberius' own attachment to astrology or the general belief, even among the elite, in the black magic used against Germanicus (Tac. *Ann.* 2.69.5) to appreciate the gravity of such accusations. On the legal restrictions on divination see Cramer 1954: 276–81; for Thrasyllus and Tiberius see Cramer 1954: 99–108; for control of divination and prohibitions see MacMullen 1966: 129–30; cf. Paul. *Sent.* 5.21.3, according to which consultations of *mathematici*, *harioli*, *haruspices*, or *vaticinatores* concerning the health of the emperor were punishable by death; cf. 5.23.17–18 for the prohibition of books on magic; penalty for their possession was confiscation and deportation for *honestiores*, execution for *humiliores*. For the enduring and harsh prohibitions on magic and astrology see Barb 1963: 100–25.
- 39 For the case see Tac. *Ann.* 3.49–51; Dio 57.20.3–4 (who calls him C. Lutorius Priscus); Plin. *Nat.* 7.129 (for his purchase of Sejanus' eunuch Paezon for 50,000,000 sesterces); for discussion see Bauman 1974: 62–4; Demougin 1992: 209; Levick 1976a: 160, 186; 1979: 368–9; Martin 1981: 126–7; Marsh 1931: 293–4;

- Rogers 1932: 78–9; 1935: 62–4; Seager 1972: 158–9; Shotter 1969: 14–18; Talbert 1984: 169, 249, 330, 472, 478–9; Woodman and Martin 1996: 362–74.
- 40 Vitellia held out and supposedly showed *fides* to Clutorius, though her motives might not have been so noble. She could simply have feared being implicated; see Paul. Sent. 5.4.17, 20.
- 41 See Martin 1981: 231 for discussion of Lepidus' oration.
- 42 See Bauman 1974: 63–4; for the merging of poetry and magic as a cause for serious offense see Lindsay 1949: 240 citing Cic. Rep. 4.10; Plin. Nat. 28.2, 10, 17–18; cf. FIRA 1.43.
- 43 The question concerning what charge was introduced in the case has been extensively discussed: see Rogers 1932: 75–9; 1935: 62–4; Shotter 1969: 14; Garnsey 1970: 34, 40, 144; Seager 1972: 158–9; Bauman 1974: 62–5; Levick 1976a: 185–6; 1979: 368; Woodman and Martin 1996: 372. It may not have been treason, since Lepidus pleads at the conclusion of his speech for clemency and argues for a penalty as if he had been guilty of treason (Tac. Ann. 3.50.6): "Let him depart from the city and with his goods confiscated, let him be prohibited from fire and water: something which I am of the opinion is the same as if he were subject to the law of *maiestas*." Lepidus argued that the charge be treated as *maiestas*, which in this instance would have meant a mitigation of the penalty, but also an extension of the *lex maiestatis*, which was rejected, see Bauman 1974: 63–4 for discussion.
- 44 Levick 1976a: 186; cf. Ateius Capito and the case of the equestrian Ennius p. 93; for Tiberius' intervention and its conflict with Tacitus' own presentation see Walker 1960: 100.
- 45 Cf. Dio 57.21.2, in which Tiberius also rejected a charge made against the praetor for impiety (*asebes*) against him.
- 46 Tac. Ann. 3.37.1; for details see the *vitae* of Considius Aequus and Caelius Cursor in Part II; also see Köstermann 1955: 97–8 for the case of Magius Caecilianus.
- 47 And as Rogers 1935: 72–3 notes, the sources are meager and disagree with Tiberius' pronouncements concerning libel in that year; cf. Suet. Tib. 28.
- 48 See Demougin 1992: 216 for Cominius.
- 49 See Tac. Ann. 4.31.2, where he allows Tiberius' competence in the field of justice; for the lament over the monotony of his subject see 4.32.1–4.
- 50 See Tac. Ann. 4.36.4–5; for discussion see Marsh 1931: 172; Rogers 1935: 89–90; Köstermann 1965: 127; Talbert 1984: 507; Woodman and Martin 1989: 185–6; for Capito see PIR² F 470.
- 51 See Marsh 1926: 238–44; Bird 1969: 61–98, esp. 73–81; Hennig 1975: 101–21 for a detailed discussion of Sejanus' political connections; Hennig and Bird both note the wide spectrum of support Sejanus enjoyed among both new men and nobles. See Saller 1982: 78 for discussion of Sejanus' "faction"; for an alternative view see Fleig 1992: 101 n. 27 (citing and taking issue with Saller), who argues for the weakness of Sejanus' faction. Fleig contends that Sejanus fell at the mere reading of a letter, which hardly indicates a faction. The problem with Fleig's assertion is that the circumstances of Sejanus' fall are too nebulous to support this view. For a similar view of the non-existence of Sejanus' faction see Allen 1941: 2. Yet his followers and supporters were deemed dangerous enough to continue to prosecute well after his execution.
- 52 For the case against Cremutius see Dio 57.24.2–4; Tac. Ann. 4.34–6; Sen. Dial. 6.1.2; 6.22.4; Suet. Aug. 35. For discussions of this case see Marsh 1931: 275, 292–3; Rogers 1935: 86–7; Bauman 1967: 268–71; 1974: 31 n. 42, 99–103; Seager 1972: 194–5; Hennig 1975: 55–63; MacMullen 1966: 19–21, 28; Levick 1976a: 193–4; Martin 1981: 137; Woodman and Martin 1989: 176–84.
- 53 For the toleration of Cremutius' history see Dio 57.24.2–3; Suet. Tib. 61.3. As Bauman 1974: 101 points out, Cremutius' history may have been none too favor-

- able to Augustus (citing Peter *HRR* 2.87.1; 2.89.4; Sen. *Dial.* 6.26.1; cf. Quint. *Inst.* 10.1.104); also see Hennig 1975: 58–9 for a similar conclusion. Woodman and Martin 1989: 177 note that Labienus was in trouble for his oratory not history (citing Sen. *Contr.* 10 *pr.* 5) and Tacitus therefore may be right in writing *tunc primum* in regard to the charge of writing unfavorable history.
- 54 Rogers 1935: 87, citing Marsh 1931: 290–3.
- 55 Sen. *Dial.* 6.22.4–5, esp. 22.4; see Hennig 1975: 63 for discussion of the motive of enmity which he sees, in part, driving this case.
- 56 Levick 1976a: 194; see also MacMullen 1966: 19–21, who makes perhaps too much out of an extinct republicanism.
- 57 See e.g. Tac. *Hist.* 1.1; *Ann.* 1.1; Plin. *Ep.* 5.8; Hor. *Carm.* 2.1.
- 58 See Sen. *Contr.* 10 *pr.* 5; cf. Mettius Pompuianus, who was condemned for conspiracy under Domitian; one of the charges was possession of orations from Livy (see p. 376 n. 82).
- 59 See e.g. Cic. *Fam.* 5.12.7; Sall. *Jug.* 4.5–6; Tac. *Agr.* 46.
- 60 See Tac. *Ann.* 4.42; for Votienus see *PIR*¹ V 674; for discussion see Marsh 1931: 173; Rogers 1935: 90–1; Cramer 1945: 189 (who makes P. Vinicius the accuser); Köstermann 1965: 144–5; Bauman 1974: 120; Bleicken 1962: 52; Levick 1976a: 289 n. 136 (for an earlier accusation of Montanus before Caesar in Sen. *Contr.* 7.5.12).
- 61 Marsh 1931: 173; Bauman 1974: 120; Aemilius was a *primipilaris* of Germanicus', see Furneaux 1896: 301.
- 62 For the case see Tac. *Ann.* 6.7.1; Dio 58.8.3; possibly Dig. 48.2.12 *pr.*; Marsh 1931: 195; Rogers 1931b: 31–45; 1935: 108–9; Köstermann 1965: 252–3; Seager 1972: 218–19.
- 63 The various traditions of Sejanus' fall are conflicting: Antonia, mother of Germanicus and the future emperor Claudius, her freedwoman Caenis, later Vespasian's mistress, and Satrius Secundus, are all names associated with Sejanus' demise. Jos. *AJ* 18.182 says Antonia entrusted a letter to her freedman Pallas, while Dio 66.14.1–2 says that Antonia entrusted the letter to Caenis; for discussion of Sejanus' fall and its aftermath see Bird 1969: 85–8, 93–4; Hennig 1975: 142–56 (esp. 148 for Antonia's possible involvement); also see Nicols 1975: 48–58, who plausibly argues against any role for Antonia in Sejanus' fall and sees Caenis as a patent fiction. Concerning the existence or non-existence of an actual plot by Sejanus see Hennig 1975: 147, who notes that M. Terentius' speech (Tac. *Ann.* 6.8.2–11, esp. 6.8.5, "In my own moment of peril I shall defend all of us who had no share in his final plan [*novissimi consilii*]") would appear to indicate that there was a conspiracy, but the details are lost to us; cf. too, Julius Celsus' denunciation of those *primores* who had infiltrated the praetorian camp, p. 98, and the denunciations of P. Vitellius and Pomponius Secundus, pp. 98–9.
- 64 Dio 58.14.4–16.5. Those of Sejanus' adherents who stood trial and were executed had their estates confiscated, "with only little or nothing being given to their accusers" (Dio 58.16.1).
- 65 Tac. *Ann.* 6.7.5. For the general fear of the time cf. Sen. *Ben.* 3.26.1; Suet. *Tib.* 61.2–3; *Cal.* 30.2; Dio 58.14.
- 66 Dio 58.21.3; cf. 58.24.2; Suet. *Tib.* 73.1; cf. e.g. the case of Vistilius, Tac. *Ann.* 6.9.2–3; for Macro see Levick 1976a: 201, who notes that he merely took over Sejanus' role in the last part of Tiberius' regime, having the emperor's opponents prosecuted in the courts.
- 67 See Tac. *Ann.* 5.7 for the fall of an unidentified supporter of Sejanus (a suicide in the senate); Tac. *Ann.* 5.8.3 for P. Vitellius' suicide; 5.9 for the execution of Sejanus' children; for the general atrocities see Suet. *Tib.* 62. There were some notable survivors, such as Domitius Afer.

- 68 For a detailed discussion, including body count, see Walker 1960: 84.
- 69 Tac. *Ann.* 5.8.1; Marsh 1931: 306; Rogers 1935: 123–5; Köstermann 1965: 234; Seager 1972: 221–2. Vitellius' defender was probably Aulus Vitellius, consul in the next year, see Furneaux 1896: 593 citing *CIL* 10.1233, Suet. *Vit.* 2.
- 70 For details of this case and Considius (Gallus? Proculus?) see his *vita* in Part II; cf. Pomponius' as well.
- 71 For the trial of Sancia see Marshall 1990: 346; for problems in Sancia's nomenclature (Sancta or Sancia?) see Syme 1970: 73. We have no way of knowing whether there was any genuine involvement on Sancia's part with Sejanus.
- 72 Tac. *Ann.* 6.9.5–7; see Rogers 1935: 138–40; Köstermann 1965: 260–2; Levick 1976a: 202–3; Seager 1972: 228–9. Celsus was executed later for conspiracy along with Geminus and Pompeius, all equestrians, see Tac. *Ann.* 6.14.1–2; Demougin 1992: 241–2 (Celsus), 241 (Geminus), 242 (Pompeius).
- 73 Flaccus was involved in the case against Libo in 16 (see p. 159), while Marinus had acted as an agent in bringing down Curtius Atticus, a man of consular status, see Tac. *Ann.* 4.58.1; Demougin 1992: 233. For the fall of Flaccus and Marinus see Tac. *Ann.* 6.10.2; for discussion see Rogers 1935: 140–1; Köstermann 1965: 263; Levick 1976a: 205; Marsh 1931: 204; Seager 1972: 229; for Vesularius Flaccus' life and career see Demougin 1992: 240.
- 74 It has also been suggested recently that Vitia's condemnation must be set in the context of Tiberius' "systematic efforts to regulate public funerary behavior," Bodel 1999: 51.
- 75 For details of the case and bibliography see Cestius Gallus' *vita* in Part II; for Minucius Thermus see Demougin 1992: 238–9.
- 76 Tac. *Ann.* 6.8–9.1; Dio 58.19.3–5; for discussion see Marsh 1931: 306–7; Rogers 1935: 136–7; Köstermann 1965: 255–9; Seager 1972: 227–8; Levick 1976a: 204–5; for Terentius see Demougin 1992: 239–40.
- 77 For the case and bibliography see Caecilianus' *vita* in Part II. Cotta was an unpopular figure, as Tacitus himself notes, *Ann.* 5.3.4; cf. 2.32.2; for Cotta's career and his enmity with Germanicus' family and Agrippina see Syme 1978: 130–1.
- 78 Cf. Tac. *Ann.* 6.9.2–5; see Rogers 1935: 137–8; Köstermann 1965: 259–60; Seager 1972: 228; Bauman 1974: 125; Levick 1976a: 205.
- 79 For the general executions in 33 see Hennig 1975: 146.
- 80 See Tac. *Ann.* 6.29.4–7; Dio 58.24.4; Suet. *Tib.* 61.3; for the bibliography for his trial see Aemilius Scaurus' *vita* in Part II.
- 81 Bauman 1974: 128; for Cornelius and Servilius see their *vitae* in Part II; for this case and *magorum sacra* see Cramer 1954: 256–9; Cramer argues that this refers to astrological consultations, but his assertions may need some refinement. Tacitus is usually specific, and refers to *Chaldaei* when he refers to astrology and astrologers, as in the case of Libo in 16 (see p. 159) or in 52 in the case against Camillus Scribonianus' son (see p. 109).
- 82 Some falsely charged, see Dio 58.24.3–5.
- 83 Levick 1976a: 214 attributes the prosecution of Scaurus to the fact that M. Silanus stood high in the councils of state, and it was Scaurus who had been involved in the prosecution of his brother in 22. Against this see Bauman 1974: 127–8, who argues based on the case of Sextus Vistilius and Pomponius Labeo that none of these charges would be enough to drive Scaurus to suicide, that it was Tiberius' renunciation of friendship that precipitated Scaurus' death; the difficulty with Bauman's argument is that there is no indication in Tacitus of such action by Tiberius.
- 84 See Bird 1969: 77 for Lentulus' involvement with Sejanus; also see Stewart 1953: 72–3; Lentulus was one of those nobles who had aligned himself with Sejanus, see Hennig 1975: 118–19.

- 85 Bauman 1974: 129 notes that this is one of the few instances where Tacitus "gives the actual substance of a libel," citing also Suet. *Tib.* 59.
- 86 See Tac. *Ann.* 6.47.1; for a good recent discussion of this case see Marshall 1990: 348; see Forsyth 1969: 206 for Acutia's possible innocence.
- 87 For the case see Tac. *Ann.* 6.47.2–48; possibly Dio 58.27.2–5; for discussion see Marsh 1931: 217–18, 307–8, 280 (for a comparison of our sources for this case); Rogers 1935: 164; Forsyth 1969: 204–7; Köstermann 1965: 354–9; Seager 1972: 238–9; Bauman 1974: 130–4; Levick 1976a: 216–17; Richlin 1981: 387–8; Marshall 1990: 348; also see D. Laelius Balbus' *vita* in Part II.
- 88 Whether there was a *maiestas* charge is doubtful, though Bauman 1974: 130–1 (who notes that we deduce the treason charge from Suet. *Nero* 5.2), Marsh 1931: 217, and Seager 1972: 238, all argue for it. But Tacitus makes no mention of *maiestas*, merely *impietas*.
- 89 Bird 1969: 76 takes Satrius as the informant against Sejanus; contra see Schumacher 1982: 142.
- 90 Bauman's arguments for the first solution are compelling, 1974: 131–2; 1992: 116, 164.
- 91 See Schumacher 1982: 142–3 for discussion.
- 92 Barrett 1996: 49–50 noting Dio's mentioning of Domitius, Agrippina the Younger's husband, as a main target in this case.
- 93 Jos. *AJ* 19.14 says Gaius filled the world with informers, and that slaves were particularly active against their masters.
- 94 Barrett 1989: 157 citing the following: Sen. *Tranq.* 14.4–10 (= *Dial.* 9.14.4–10); Brunt 1975: 9; Boethius *Con. Phil.* 1.4.94; Plut. *fr.* 211 (= *Chronographia* 1.625) for Kanus.
- 95 Dio 59.4.3; cf. 59.6.3; 59.16.8; some of the immediate beneficiaries of the *lex maiestatis*' abrogation will have been those accused in the case of Albucilla; see Barrett 1989: 64–5.
- 96 Suet. *Cal.* 15.4; for discussion see Barrett 1989: 65 citing as precedent Augustus' action after the battle of Actium.
- 97 Dio 59.11.5–6; the punishment was against those selling hot drinks; but cf. Dio 60.6.7. See Bauman 1974: 104–6 for discussion of this case.
- 98 See Barrett 1989: 92–3 for discussion.
- 99 See Cn. Domitius Afer's *vita* in Part II; also see Dio 59.19.1–2.
- 100 In 39 Calvisius Sabinus and his wife Cornelia, facing a charge presumably of *maiestas* (Cornelia was accused of currying favor with the troops when her husband was governor of Pannonia), committed suicide; who the accuser was is unknown, see Dio 59.18.4. Whether it was linked in any way to the conspiracy of Gaetulicus is unlikely, as Barrett 1989: 101, 105–6 has satisfactorily argued. In the same year Titius Rufus, who openly rebuked the hypocrisy of the senate in seeking Gaius' favor, was put to death; again the accuser is unknown, as is the charge, see Dio 59.18.5. Little is recoverable from the case in 39 concerning the exile of Carrinas Secundus, a well-known orator, for delivering a speech against tyrants as a rhetorical exercise, see Dio 59.20.6; for discussion see Bauman 1974: 135; Barrett 1989: 99. As Barrett 1989: 98–9 has pointed out, Gaius felt threatened in 39 from a number of areas, in particular from the senate and within his own family, hence it is little surprise to find *delatores* so active.
- 101 Also see Suet. *Cal.* 49.3, who says these books were actually a part of Gaius' personal possessions found after his death containing the names of those marked for condemnation.
- 102 Barrett 1989: 100 gives 39 as the date of Vitellius' replacement.
- 103 Tac. *Agr.* 4.1; Dio 59.8.4–7; Suet. *Cal.* 23.3; Sen. *Ep.* 29.6; *Ben.* 2.21.5.

- 104 Dio 59.13.4–7. He appears to have been very sensitive on the subject of his youth; cf. his own prosecution of Domitius Afer in the senate, Dio 59.19.3–5; also Domitius' *vita* in Part II.
- 105 See Levick 1990: 89 for discussion.
- 106 Dio 60.4.5; cf. Appendix 2, p. 303–4; Levick 1990: 93.
- 107 The question of succession is related in detail by Josephus *BJ* 2.204–14; for discussion of Josephus as a source for this episode (and Roman history in general) see Timpe 1960: 474–502; Feldman 1962: 320–33.
- 108 Contra Ciaceri 1918: 255, 308, who argues that *maiestas* really takes off under Gaius and Claudius; more recently see Brunt 1984: 469–80, who argues that it is unlikely that the law of *maiestas* was ever suspended.
- 109 Q. Veranius' son is surely another rewarded for family fidelity, see Levick 1990: 36–7.
- 110 See McAlindon 1957: 282 for discussion.
- 111 Tac. *Ann.* 11.35.5–7; Sen. *Apoc.* 10–11, 13 (for Senecan authorship of the work, see Dio 60.35.3; see Baldwin 1964: 39–48 for discussion); Levick 1990: 66.
- 112 So McAlindon 1956: 119 (cf. Barrett 1996: 162–3; Garnsey 1970: 44 for discussion), though we are arguably at a loss to assess how great the number actually was, given the lack of Tacitus as a source for the first six years of his reign; moreover Nero clearly alludes to (and promises to end) trials *intra cubiculum* at the opening of his reign, Tac. *Ann.* 13.4.2.
- 113 For the case see Tac. *Ann.* 11.1–3; Dio 60.29.4–6a; for discussion see Bauman 1974: 202–3; 1992: 172–5; Wiseman 1982: 65; Levick 1990: 31, 61–5; Suillius' *vita* in Part II; for a discussion of the variance between Dio and Tacitus in their presentation of this case see Martin 1981: 207.
- 114 No serious challenge to the princeps, who kept a tight rein on the armies and their administrators, could be effected without armed backing; see Allen 1941: 12–13; for Asiaticus' connections with Gaul see Gagé 1964: 179.
- 115 See Edwards 1993: 63–97 for a detailed discussion of *mollitia* and its sexual implications; also see Williams 1999: 163–5. Tacitus must have savored the irony of this charge which has never been remarked by scholars: the defendant's name, Asiaticus, summons up images of effete, soft, decadent easterners; cf. Edwards 1993: 80, 92–7.
- 116 Asiaticus' assertion appears supported by Tac. *Ann.* 11.36.5, "Caesoninus [Suillius' son] was protected by his vices, on the grounds that he had played the woman's part in that foulest of intercourse" (*tamquam in illo foedissimo coetu passus muliebria*).
- 117 See Bauman 1992: 174 for discussion; Ehrhardt 1978: 68 asserts part of the reason for Asiaticus' fall is Claudius' hatred, citing the Lyons inscription – clearly a *vaticinium ex eventu*.
- 118 For his consulship in 35 see Ehrenberg and Jones 1955: 43; for his bid for the throne see Jos. *AJ* 19.252; for appeals to popular support, see Tac. *Ann.* 11.1.2; Dio 59.30.2; for discussion of the senatorial debate and competition for the throne after Gaius' murder and the various coalitions which formed see Swan 1970: 149–64; Ehrhardt 1978: 53; Wiseman 1982: 60–3.
- 119 For his consulship see Smallwood 1967: 3; Gallivan 1978: 408–9.
- 120 For Saturnina see *PIR*² L 329 which conjectures a liaison with Gaius citing Sen. *Dial.* 2.18.2; for bibliography on Asiaticus and his Gallic and marriage connections, see Levick 1990: 208 n. 25.
- 121 For Claudius' speech see *ILS* 212 = Smallwood 1967: 97–9; Levick 1990: 62 for discussion of the term *latro* (citing Cic. *Cat.* 1.33). Professor Hallett points out to me yet another reason to believe Asiaticus may have been involved in a serious challenge to the princeps: Augustus' marriage legislation of 18 BC and AD 9 could have been passed to break up the estates of large senatorial landowners who posed a

- threat to his regime, since any challenge to autocracy depended on money and wealth. That is to say, Augustus' marriage legislation – which aimed to divide up wealth among senatorial children for dispersal – was political in intent, with morality used as a pretext. In this regard, it is interesting to note that Asiaticus' wealth in Gaul could indeed have posed a real threat, and it consequently may have been no coincidence that Claudius, in the wake of Asiaticus' death, pushed for the admission of Gallic provincials into the senate. It was an attempt to further limit wealth among potential contenders for *imperium*.
- 122 See Tac. *Ann.* 11.4 for the case; for the brothers Petrae see Demougin 1992: 214–15, 364–5; Levick 1990: 64.
 - 123 For Messalina's notorious passion for Mnester see Tac. *Ann.* 11.28.1; Suet. *Cal.* 36, 55; Dio 60.22.3; 60.28.3.
 - 124 Tac. *Ann.* 12.52.1–3; cf. Dio 60.33.3b; for discussion see McAlindon 1956: 126; Levick 1990: 60–1 mistakenly identifies the prosecutor as Tarquinius Priscus.
 - 125 See Cramer 1954: 240–1 for discussion of the expulsion edict mentioned in both Dio and Tacitus.
 - 126 See Barrett 1996: 136, who rightly calls this pretext a virtual *topos*.
 - 127 Tac. *Ann.* 12.59; for discussion see Bauman 1974: 65, 201; Levick 1990: 211 n. 24; Barrett 1996: 135–6; Statilius had been consul *ordinarius* in 44, see Gallivan 1978: 408 citing Plin. *Nat.* 16.242; Suet. *Pass. Crisp.*; Dio 60.23.1; *ILS* 7061; *CIL* 6.10399; 10.6638; 11.3806; his brother was Statilius Taurus Corvinus, consul in the next year, Dio 60.25.1.
 - 128 For the charges of magic in this case see Cramer 1954: 262–3; for Taurus' governance of his province see Vogel-Weidemann 1982: 154–60.
 - 129 See Barrett 1996: 135–6; also see McAlindon 1956: 129–30, who remarks that nobility and family grievances will have stacked the deck against Taurus; however, there is no indication in the sources that noble background will have played any role in his destruction, and his family, descended from the great orator M. Messala Corvinus, continued to flourish; see Syme 1986: 226–43, esp. 242; cf. table IX. For his brother's conspiracy see Suet. *Claud.* 13.1–2. Corvinus was of consular standing, see Gallivan 1978: 408.
 - 130 In addition, Bauman 1974: 65 rightly remarks that under Claudius, particularly in the cases of Lollia Paullina, Camillus Scribonianus, Statilius Taurus and Domitia Lepida, charges of occult practices substituted for *maiestas*, which Claudius had rescinded.

5 SENATORIAL OPPOSITION AND RESISTANCE II: NERO TO DOMITIAN

- 1 Tac. *Ann.* 13.4.2–5.1; see Griffin 1984: 51, 53; Kelly 1957: 58.
- 2 Barrett 1996: 162 citing Cal. *Sic.* 1.42, 49.
- 3 For the court's rejection of the two cases see Tac. *Ann.* 13.10.3; for Densus see Demougin 1992: 429; also see Schumacher 1982: 147–8.
- 4 For details of the case and bibliography see Paetus' *vita* in Part II; for Sulla see Furneaux 1907: 125; Köstermann 1967: 279.
- 5 The whole affair is related in Tac. *Ann.* 13.42–3; Dio 61.10 relates similar charges cast against Seneca anonymously in 58 which support Suillius' claims, including that he was intimate with Agrippina. For a detailed discussion of the charges against Suillius, see his *vita* in Part II.
- 6 Suillius was right on the mark; Seneca had called in a loan of 40,000,000 sesterces which helped to precipitate the rebellion in Britain in 61 according to Dio 62.2; for Suillius as Seneca's critic see McAlindon 1957: 282; Warmington 1969: 142–3; Martin 1981: 168.

- 7 For Pomponius see *PIR*² P 757; he was never a friend to Claudius, see Jos. *BJ* 2.205; for Camillus see *PIR*² A 1140; cf. pp. 163–4; the connection of Pomponius' actions to the revolt of Scribonianus has been doubted, see McAlindon 1957: 282. Lupus and Lusius were of consular rank, see Sen. *Apoc.* 13.5; for Lupus, consul *suffectus* in 42, see *PIR*² C 1400; for Lusius see *PIR*² L 449; cf. AE 84.228. See Köstermann 1967: 320 for a list of Suillius' victims. McAlindon presumes his involvement in the death of the consular Pedito as well citing Sen. *Apoc.* 13.5.
- 8 For discussion see Rogers 1979: 109; Griffin 1984: 65. M. Suillius Nerullinus went on to become proconsul of Asia (as had his father earlier) under Vespasian; for Nerullinus see *PIR*¹ S 699.
- 9 While we know that Suillius was involved in some unscrupulous court cases, such as that of Samius, it is unfair to mark Suillius as the leader of the government "terror" as Rudich does 1993: 27; prosecutions in dynastic disputes were common enough, and protecting the security of the emperor and averting civil war is scarcely the mark of a terrorist.
- 10 For discussion see Bauman 1974: 141–2, who notes that there were previous instances of criticism prosecuted under Nero, such as the cases of Isidorus and Datus, towards whom he was relatively lenient (citing Suet. *Nero* 39.2).
- 11 For this case and the reintroduction of the law see Baldwin 1967: 435–6 (who is not sympathetic towards Antistius); Warmington 1969: 135–6; Bradley 1973: 172–82; Bauman 1974: 32, 141–2, 144–6, 150–2; 1989: 96–7; Rudich 1993: 58; cf. 277, where Rudich argues (in a good extended discussion of this case) that the charge would have been *maiestas*, while Bauman 1974: 143–7 contends that it was Thræsea who simply invoked *maiestas* with a view to mitigating Antistius' penalty. Rudich rejects Bauman's idea that one such as Thræsea would have invoked *maiestas*, a view I am inclined to accept. Bauman 1974: 141–2 argues that the two cases of prosecution for verbal injury while the *lex maiestatis* was in abeyance until 62 would have been subsumed under the *lex Cornelia de iniuriis*. The revival of the treason law (and the involvement of Cossutianus in the charge), as Bauman notes (1974: 144–6), could have been the result of Tigellinus, Capito's father-in-law, who was, as Sejanus and Macro before him, attempting to control the *lex maiestatis*, although there is no evidence for defamation being subsumed under *maiestas* even in the wake of the Pisonian conspiracy, despite Suetonius' sweeping comment that *delatores* were not wanting to charge words and deeds under the *lex maiestatis* (*Nero* 32.2); cf. Baldwin 1967: 436. The reintroduction of the *maiestas* law – if it was indeed reintroduced – was an aberration in 62, and may not have fully reared its head until after Piso's failed plot.
- 12 Ostorius' action was not necessarily altruistic, but rather self-protecting; cf. Vitellia and the case of Clutorius Priscus in 21, see p. 92 with n. 40.
- 13 See Bradley 1973: 176; cf. Martin 1981: 176; Nero had already shown his clemency well enough in his tolerance of the lampoons that followed in the wake of his mother's death, Suet. *Nero* 39.2.
- 14 Bradley 1973: 179; cf. Warmington 1969: 136.
- 15 See Bradley 1973: 173–4. It is worth noting, however, that we find Curtius Montanus only prohibited from office for *detestanda carmina*.
- 16 He had been convicted in 57 *de repetundis*, see Bradley 1973: 176; also see his *vita* in Part II; cf. p. 69.
- 17 See Tac. *Ann.* 14.50; for further discussion and bibliography see Fabricius Veiento's and Tullius Geminus' *vitae* in Part II.
- 18 See Bradley 1973: 181 for discussion of this case.
- 19 Griffin 1984: 168–9 notes that it is only after 65 that "unprovoked" treason trials took off, although as Baldwin 1967: 439 rightly notes, *maiestas* trials are too infrequent under Nero to argue for a sustained terror through such means.

- 20 See Rudich 1993: 133, who argues that the fiasco of Bassus in Africa also quickened the pace of denunciations (cf. Plin. *Nat.* 18.35, where he says Nero put to death half a dozen men who together owned half of Africa – something Rudich puts to this episode). Suetonius notes that in view of the property to be gained from those condemned, *delatores* now began to act on numerous pretexts.
- 21 Dio 63.15.1; cf. Tac. *Hist.* 4.42.4; Suet. *Nero* 37.3.
- 22 The prosecutions of Thrasea, Barea, and their adherents, fill the final chapters of Tacitus' *Annales* as extant, 16.21–35; cf. Dio 62.26–27.1. It was by no means the first time Nero had moved against the Stoics; four years earlier Tigellinus had denounced Rubellius Plautus' adherence to the sect, Tac. *Ann.* 14.57.5. See Warmington 1969: 143; Syme 1988: 193–4 for discussion. Before Nero, Julius Canus had been persecuted by Gaius, see Brunt 1975: 9 for discussion citing Sen. *Dial.* 9.14. For the philosophic background to Thrasea's actions see Brunt 1975: 7–35, esp. 27 for Capito's charges; for a general discussion of the role of philosophy in a senator's life see Earl 1967: 91.
- 23 Moreover Vogel-Weidemann 1979: 100–1 is right to argue that the so-called Stoic opposition was not so much philosophical as it was political, driven by motives other than moral posturing, such as hereditary enmity against the emperors, citing *inter alios* Dio 65.13.1; cf. Syme 1958: 559; Rudich 1993: 159, who notes that in the case of Soranus it was not his Stoic beliefs, but his political connections that were the cause of his downfall; cf. Jones 1992: 121, who notes that none of the Stoics were punished because they were Stoics; there were, though, aspects of Stoicism under the Early Empire which caused difficulties, such as the adulation given to Cato, the Stoics' love of free speech, criticism of the imperial government, and withdrawal from public life. Griffin 1984: 175, 177 on the other hand notes that the range of behavior in which Stoic doctrine could result was indeed varied: thus compare Thrasea Paetus' retirement with Helvidius Priscus' outspoken participation, both of which, to a certain extent, led to their deaths. For general discussion of the Stoic opposition see Brunt 1975: 7–35; MacMullen 1966: 49–57; Wistrand 1979: 93–101; Griffin 1984: 171–7; for the case of Thrasea in particular see Martin 1981: 186–7. For the intent of the opposition see Allen 1941: 13, who notes that “We cannot speak of a republican opposition in the sense of a group which desired to restore the Republic,” whose traditions (he states, surely going too far) had been entirely forgotten. He is closer to the mark when he observes (1941: 17) that “members of the opposition did not hope to change the system of government, they only wanted to change emperors when they happened to have a bad one.”
- 24 On Thrasea's critics attacking his “desire to rule” see Tac. *Ann.* 13.49; for his leaving the senate during debate after Agrippina's murder see Tac. *Ann.* 14.12.2; Dio 61.15.2–4; for his possible leniency in the case of Antistius see Dio 62.15.1a.
- 25 See Tac. *Ann.* 16.22; for discussion of Cossutianus' denunciation of Thrasea to Nero see MacMullen 1966: 21–3; Bauman 1974: 153–4; Martin 1981: 186; Rudich 1993: 166–7, who seems to put too much faith in the accuracy of Cossutianus' denunciation as related by Tacitus, but he does qualify his assessment, see 1993: 169; Tigellinus had kept alive memories of Plautus' philosophic sympathies in the same way, cf. above n. 22.
- 26 Dio also notes the charges of absenteeism from the senate and Nero's performances, as well as Thrasea's reluctance to sacrifice to Nero's divine voice, 62.26.3; in addition Dio adds the detail that Thrasea was prosecuted for not giving public exhibitions.
- 27 For a history of Cato as symbolic opponent of the Caesars see MacMullen 1966: 1–45; Wistrand 1979: 95–6.
- 28 It was not an implausible fiction. On Thrasea's and Helvidius' celebration of the birthdays of Cassius and Brutus see Juv. 5.336; for Cassius see pp. 153–4.

- 29 Tac. Ann. 4.42.3; there was also precedent under the Republic, e.g. Q. Caecilius Metellus Numidicus was exiled for refusing an oath to uphold Saturninus' agrarian law; see Gruen 1965: 576.
- 30 Rudich 1993: 174 is wrong to see a *reductio ad absurdum* when Eprius charges Thrasea with leniency towards the emperor's enemies (referring to Antistius Sosianus) who had been spared for their vociferous criticism, while Thrasea's silence is punished – Antistius Sosianus, after all, did not have a band of followers behind him. Eprius is trying to establish a pattern of behavior on the part of Thrasea, one of opposition and dangerous behavior, as any prosecutor would do.
- 31 See Walker 1960: 230–1; Bauman 1967: 104 n. 31; MacMullen 1966: 21, 78 (to absent is to condemn); Griffin 1984: 90–1, 176; Talbert 1984: 278–9; Allen 1948: 204–6 still has one of the best discussions on this: we need only recollect Tiberius' reaction to Piso's threatened withdrawal (see p. 54) to recall that this constituted a serious political statement; cf. Tac. Ann. 6.27; Boissier 1875: 106–8. Contra Allen, see Martin 1981: 177: "If, as Tacitus later reveals (16.22.1), Thrasea now [in 62] ceased to attend the senate, it is hard to believe that his conduct, in view of Nero's declared enmity, amounted to that ostentatious pursuit of martyrdom that Tacitus condemned." But such enmity was the result of withdrawal (walking out of the senate, non-attendance at certain events) in the first place, and as such was ostentatious, as *secessio* always was; see e.g. Curiatius Maternus in Tacitus' *Dialogus* – and the alarmed and censorious reaction of Secundus and Aper (3.2–4).
- 32 See D'Aubrión 1985: 599, who is right to note that Cossutianus' speech would have roused at least some members of the senate – the boycott of his senatorial and religious duties are represented as desertion, and the servants of the state denounce Thrasea as plotting against the state's authority served by the senate. Contra Rudich 1993: 241 we may doubt that many senators will necessarily have seen Thrasea's withdrawal as a testament to his "moral worth."
- 33 In addition, Romans appear to have had a prejudice against the sort of philosophic pretensions Thrasea espoused, and against philosophers in general – at least in terms of their interference in political life or their tendency to disrupt it; Quintilian noted that those with philosophic pretensions were inclined to shirk their public duties and, as Brunt 1975: 9 notes, when Suillius attacked Seneca he could refer to his *studiis inertibus*.
- 34 See Wistrand 1979: 98 for discussion of the philosophical tenets behind such withdrawal: Stoics believed that government was to be served no matter what unless the situation turned impossible and there was no opportunity to assert freedom; as such, Thrasea's retirement constituted a grave and (implicitly) vocal criticism of Nero, inasmuch as he made known his philosophic allegiances.
- 35 Cf. Bauman 1974: 104–5, 156; cf. Rudich 1993: 167, who sees the reference to Poppaea as an emotional appeal.
- 36 Dio 63.15; cf. Suet. Nero 20.3 – the young men and knights he planted in the audience to applaud probably acted as *delatores* as well.
- 37 Tac. Ann. 16.26.6–7; D'Aubrión 1985: 600; for the possible offense in his demeanor in general see Wistrand 1979: 95–6; cf. 97 citing Quint. Inst. 12.3.12.
- 38 For Thrasea's circle see Rudich 1993: 175. In addition to Helvidius, Curtius, and Paconius, it included Arulenus Rusticus, T. Avidius Quietus, Persius, and possibly Annaeus Cornutus (like Persius, one of the *literati*, see Dio 62.29.2–4; Cornutus incurred Nero's displeasure for a piece of literary criticism, and is compared by Dio to Lucan). It is worth noting that Capito, having drawn the analogy of Cato and Thrasea, noted that his followers imitated Thrasea's (and, by implication, Cato's) stern demeanor both in their face and manner, Tac. Ann. 16.22.3: "Thrasea has followers, or rather accomplices who, while they do not yet imitate his insolent sentiments, stern and gloomy, they do imitate his face and manner (*habitus vul-*

- tumque eius sectantur, rigidi et tristes*).” Cato’s *imago* was banned from public view (Plin. *Ep.* 1.17.3; cf. Tac. *Ann.* 3.76.5), but Thrasea and his followers, in a sense, violated the ban, by imitating the *imago* (*vultum, rigidi, tristes*) in order to make a political statement against Nero. It is perhaps noteworthy in this regard that Tacitus states Nero feared a direct face to face confrontation with Thrasea (*vultumque ... extimuit*), Tac. *Ann.* 16.24.3 (cf. Suet. *Nero* 37). The analogy is not explicit, and perhaps should not be pressed too far, for the psychological implication Capito makes is never taken to its legal conclusion, see Rudich 1993: 162–3. Moreover Thrasea was not, as far as we know, prosecuted for his biography of Cato (see Plut. *Cato Min.* 25.1). To compare a biography to a portrait is a standard topos in Greek and Roman biography; see Ogilvie and Richmond 1967: 315 for discussion and citations.
- 39 See Griffin 1986: 65–6 for the “theatrical” nature (occasionally) of Roman suicide. The whole thing is highly “Platonic” in its color (see Rutledge 2000: 356): Thrasea awaits the sentence with a large retinue of distinguished men and women, orders those weeping to depart, and opens his veins in the presence of Demetrius the Cynic (with whom he had been discussing the existence of the soul after death), Helvidius Priscus, the quaestor who delivered the senate’s verdict, and presumably others. Thrasea was defiant even in death and intended it to be an exemplum (see Tac. *Ann.* 16.34–5). For a discussion of the Stoic views on suicide, see Griffin 1986: 72–3.
- 40 Tac. *Ann.* 16.22.7–9; 16.28.4–6. On Thrasea’s character and his own realization of the impracticalities of republicanism, see Rudich 1993: 162–5.
- 41 See Griffin 1986: 68 for discussion citing Mart. 1.8; *Dig.* 28.3.6.7; cf. Tac. *Agr.* 42.4; *Ann.* 14.12.2; also see Wistrand 1979: 97, 100–1; Ducos 1977: 208. As Griffin 1986: 192 points out, no society approves suicide without qualification.
- 42 See Brunt 1975: 8 citing *inter alios* Sen. *Ep.* 73.1; 103.5; also citing Sen. *Clem.* 2.5.2 for the Stoics’ excessive severity, a quality long since subject to criticism by the likes of Cicero (*Mur.* 61–5) and Horace (*Serm.* 1.3, esp. 1.3.96–7).
- 43 Tac. *Ann.* 16.28.2; 16.29.2–4; 16.33.2–4; for all three see Furneaux 1907: 463–4; Köstermann 1968: 393–5. Helvidius was perhaps guilty of the same sort of *secessio* as Thrasea, not having held office since 56; see Malitz 1985: 231–46 esp. 231–2 for the subsequent enmity between Helvidius and Vespasian, resulting in part from this prosecution.
- 44 See the *vita* of Paconius’ father in Part II; for Paconius also see Rudich 1993: 177.
- 45 See Bauman 1974: 148 for further discussion.
- 46 For the case against Soranus see Tac. *Ann.* 16.23; 16.30–3; also see Ostorius Sabinus’ and P. Egnatius Celer’s *vitae* in Part II for bibliography; also see Rudich 1993: 159–61.
- 47 Despite Tacitus’ nefarious presentation of Egnatius, theoretically, at least, the status of a witness had to be investigated before taking the stand, especially if the witness came from the defendant’s own house or was of low status, see Paul. *Sent.* 5.15.1.
- 48 For Soranus’ governance of Asia see Vogel-Weidemann 1982: 432–8; for Soranus’ possible guilt see McAlindon 1956: 125 citing Sen. *Oct.* 464–6.
- 49 For bibliography see Fortunatus’ and Claudius Demianus’ *vitae* in Part II; also see Syme 1988: 193–4.
- 50 Bauman 1974: 65–6 argues that Tacitus sharply distinguishes between Soranus’ case and that of his daughter Servilia. But Servilia’s prosecution must be set in the context of Roman attitudes towards consultation of astrologers and magicians; see MacMullen 1966: 137, 141–2; Cramer 1954: 264–5; cf. *FIRA* 2.579–80 (Ulpian), *qui de principis salute, capite puniti sunt vel alia poena graviore adfecti*.

- 51 Tac. *Hist.* 4.42.6; Curtius could well have in mind, however, those of lower status involved in *delatio* who were punished in the wake of Nero's death, see Dio 64.3.4; cf. Suet. *Tit.* 8.5, who states that *delatores* "were killed by lashes and cudgels."
- 52 For discussion of the *senatus consultum* under Galba see Fanizza 1988: 30.
- 53 See Tac. *Hist.* 4.43.2; for discussion see Rudich 1993: xxiv.
- 54 The whole episode is related in Tac. *Hist.* 2.52–3; for discussion see Heubner 1968: 203–8; Chilver 1979: 215–16.
- 55 See Tac. *Hist.* 4.6.3–4.8; 4.41–3; cf. 4.44. For discussion of the clash between Eprius and Helvidius see Bauman 1974: 157; Syme 1991b: 527–8; cf. Martin 1981: 94, 100, 196; he sees the clash as essentially the carrying out of a vendetta. Also see Levick 1999: 82–6 for a general discussion of the clash between Eprius and Helvidius.
- 56 The speech Tacitus presents last is the one he generally intends to have the most weight, as in the case of the opinions he reports expressed at Augustus' funeral (*Ann.* 1.9–10); for discussion of the speeches in Tacitus in general, see Keitel 1991: 2773 n. 3 (with a general bibliography).
- 57 Cf. the final conclusion of his speech, Tac. *Hist.* 4.7.3.
- 58 Tac. *Hist.* 4.8.2: "This ought to be avoided more, that the mind of a new emperor, uncertain and looking around at the faces and conversation of all, not be provoked (*irritaretur*) by the obstinacy of certain men." The use of the passive voice (*irritaretur*) is telling here: the emperor is not actively looking for opponents, but an opposition can be created simply through certain forms of resistance. It is not repression, but resistance that could bring a recrudescence of tyranny and oppression, and Helvidius was to become the opponent *par excellence* under Vespasian.
- 59 *Delatores* were adepts at turning "traditionalist" notions to their own advantage and at co-opting "traditional" values to their own ends. See e.g. Suillius' attack on Seneca and his reference to honest work (*honestae operae*) and toil (*labor*), *Ann.* 13.42–3; see Pani 1986: 327–8 for discussion.
- 60 See Mellor 1993: 99, who is right to note that the view Eprius expresses is no doubt Tacitus' own.
- 61 Cf. Earl 1967: 94 for a discussion of Eprius' speech, where he notes that "Pliny went further than Tacitus. *Obsequium* conferred *gloria* and was the key which opened the door to the highest power."
- 62 As Malitz 1985: 242 notes, Helvidius was more than frank concerning a system that demanded the help of the likes of Vibius and Marcellus. See Hammond 1957: 78 for a general discussion of Vespasian's supporters in the senate.
- 63 For his criticism of Vitellius see Dio 65.7.2; for his opposition to Nero see pp. 118–19; see Melmoux 1975: 23–40 for Helvidius' and Vespasian's relationship.
- 64 Celer's condemnation should not be taken as a wholesale vindication of Soranus; his accuser, Ostorius Sabinus, as far as we know, escaped with impunity. See Rogers 1949: 347; Lutz 1947: 16 for the trial; see Lutz 1947: 10 for Musonius Rufus' connection to Soranus and his circle: Musonius was a close friend of Annius Pollio, concerning whom, see Tac. *Ann.* 15.56, 71; 16.30.4; his grandfather, Annius Pollio, was accused of treason under Tiberius, Tac. *Ann.* 6.9.5–7. He was also husband of Servilia, hence son-in-law of Barea Soranus. Musonius was, in a sense, the spiritual adviser of (and friends with) Barea Soranus, Thrasea Paetus, and Rubellius Plautus; also see MacMullen 1966: 65.
- 65 See Tac. *Hist.* 4.40–44 for the attempt to punish and check *delatores*. A false witness potentially faced a charge of *calumnia*, but only if the prosecutor lost his case, and Soranus was condemned. For false evidence carrying the charge of *calumnia* see Paul. *Sent.* 1.6b.1e; see pp. 302–3. If bearing false witness resulted in death for the accused, the penalty was more severe, see Paul. *Sent.* 5.15.5 (exile and

- insular deportation), 5.23.1 (deportation for *honestiores*, crucifixion or being thrown to the beasts for *humiliores*).
- 66 See Evans 1979: 201 for discussion.
- 67 For the use of imperial notebooks (*commentarii*) to incriminate former *delatores*, cf. Tac. Ann. 13.43.4; see Fanizza 1988: 31 for discussion of Mauricus' proposal and the political ramifications.
- 68 Also see Rogers 1949: 347; Garnsey 1970: 45 for discussion of this oath.
- 69 The year 69 finds another Neronian *delator* active in the Flavian camp, Arrius Varus (*q.v.*), Domitius Corbulo's incriminator, who was to hold the trusted office of praefect of the grain supply (*praefectus annonae*); so too Silius Italicus (*q.v.*), a suspected *delator* under Nero, was appointed to the proconsulship of Asia for 77/8.
- 70 See Malitz 1985: 237, who rightly notes that given Helvidius' attack on Marcellus under Galba, he was probably well aware of the legal problems in renewing his prosecution under Vespasian, citing the SC *Turpillianum* (Dig. 48.16) from the year 61, which prohibited renewal of a prosecution; cf. Rogers 1949: 348 and Mucianus' reference to "a legal proceeding started and abandoned" in Tac. Hist. 4.44.1.
- 71 On the strengths and talents of Vibius and Eprius see Tac. Dial. 8.3; for a discussion of familial ties see their individual *vitae*.
- 72 As a famous dinner conversation related by Pliny concerning Catullus Messalinus pointedly illustrates, Ep. 4.22.5–6.
- 73 Dio 66.12.1; Suet. Ves. 15; one of the specific charges Suetonius mentions is that Helvidius' treatment of Vespasian did not show proper respect to his status as a magistrate.
- 74 Arr. Epict. Diss. 1.2.19–21; 4.1.123; see Millar 1965: 141–2 for discussion; cf. Brunt 1975: 31; Starr 1949: 28–9.
- 75 On the analogy of M. Egnatius Rufus, who was charged with conspiracy under Augustus for the same thing; see Raaflaub and Samons 1990: 427 for discussion (esp. nn. 36 and 37 for bibliography) citing Vell. Pat. 2.91.3–92.4; Dio 53.24.4–6; Suet. Aug. 19.1; Sen. Dial. 10.4.5; Tac. Ann. 1.10.3. For Helvidius' currying the favor of the plebs and espousing *demokratia* see Dio 66.12.2.
- 76 Brunt 1975: 29 discounts Helvidius' agitation. His assessment flies in the face of everything we know about Helvidius including his contentious personality, "Long ago Helvidius had consented to serve the Principate; he had recently approved of Vespasian's accession, and rabble-rousing was alien to Stoic practice as it was futile." The statement is in error. Helvidius only accepted Vespasian with qualification, had opposed all emperors, and what was alien to the Stoics was not necessarily alien to Helvidius' character. Browbeating an emperor to the point of tears scarcely seems to fall within the scope of "Stoic acceptance" of the governing order. Moreover, in the senate debates of 70, as Martin 1981: 196 notes, Helvidius had tried to assert senatorial authority at Vespasian's expense.
- 77 See also the punishments of Diogenes the Sophist and Heras the Cynic in 75, Dio 66.15.5; for Flavian expulsions see Cramer 1954: 244–7; MacMullen 1966: 61; Jones 1984a: 91–2 (who fails to make the connection between Heras, Diogenes, and Helvidius; they could easily be related, given Helvidius' philosophical inclinations).
- 78 See Levick 1999: 88–9 for discussion.
- 79 Evans 1979: 202; cf. Levick 1999: 89. Given Vespasian's well-known tolerance for the likes even of Demetrius the Cynic, it could well be that Vespasian needed some prodding before allowing Helvidius to be attacked. See Dio 66.13.3; Suet. Ves. 13; cf. Ves. 15, where Suetonius states Vespasian put no innocent parties to death.
- 80 See Tac. Dial. 5.7; Martin 1981: 60; Syme 1991b: 530. Possibly during his consulship; a consul acting as prosecutor had precedent; see p. 141; for the rule

- prohibiting magistrates from prosecution see *Dig.* 48.2.8; Bauman 1974: 35 n. 67 for discussion.
- 81 Tac. *Dial.* 2.1; for some of Maternus' more provocative remarks see *Dial.* 3.3; 10.6; for discussion of Maternus' provocative pose see Cameron 1967: 258–61; Rutledge 2000: 351–3. Cf. Frank 1937: 225–9; Barnes 1981: 382–4; Kragelund 1987: 197–202.
 - 82 Bauman 1974: 34 n. 61 citing Serv. *ad Aen.* 6.609; also see Rudich 1985: 97 for discussion of Maternus' retirement.
 - 83 See Talbert 1984: 24 citing Tac. *Hist.* 1.2.3, “offices laid aside and held were subject to a criminal charge.” Although almost nothing is known of Maternus from any other source, his very presence as the central interlocutor in the dialogue makes it a virtual certainty that he met his end – natural or otherwise – soon afterwards. If he was the defendant in a criminal trial who came to a bad end we can only conjecture who the *delator* was. However, the presence of Vipstanus Messala in the dialogue may suggest – and only suggest – some involvement by Regulus, his half-brother; see Rutledge 2000: 349–51 for discussion.
 - 84 See Fanizza 1988: 34–5 for discussion, who suggests (somewhat implausibly) that the partial punishment of Neronian *delatores* was responsible for the dearth of delation under Vespasian.
 - 85 For Hermogenes see Suet. *Dom.* 10.1; Jones 1992: 123–4.
 - 86 For Lamia see Suet. *Dom.* 10.2; *PIR*² A 205; see Jones 1992: 184–5 for discussion. For Civica, see Suet. *Dom.* 10.2; Tac. *Agr.* 42.1; for discussion see Ogilvie and Richmond 1967: 294–5, who argue that Civica was possibly put to death for complicity with Saturninus; but see Jones 1992: 148, 158, 182–3, who associates his execution with the rising of a false Nero in the East when Civica was proconsul of Asia. Civica was apparently tried *in absentia*; cf. Dio 67.4.5. For a summation of those executed or exiled at this time see Jones 1992: 182–92.
 - 87 Cf. the prosecution e.g. of Acilius Glabrio (*PIR*² A 67), whose accuser's name is lost. Glabrio was consul with Trajan in 91; Dio says that Glabrio was tried and executed for fighting in the arena, and attributes his fall to Domitian's envy of his prowess there; the more likely cause, however, is his conspiring at rebellion with Salvidienus Orfitus (*PIR*² C 1445). See Suet. *Dom.* 10.2; Dio 67.14; Jones 1992: 184. For the prohibition against men and women of distinction in public performances, see Suet. *Dom.* 8.3; cf. Dio 67.13.1, where he relates that Caecilius Rufus was expelled from the senate for acting in pantomimes.
 - 88 See B. Jones 1973: 79; 1974: 530–1, who notes that “of the 401 senators of Domitian's reign listed by Stech, only two, Julius Calvaster and Lappius, appear in our ancient sources as possible supporters of Saturninus, and neither of them was in Rome at the time of the revolt.” Cf. Jones 1979: 86; 1992: 147–9. We are also in the dark concerning the accuser of Mettius Pomposianus (*PIR*² M 570), who, it was predicted according to an astrological report, would one day be emperor, and who had a map of the world painted in his bedchamber and carried with him excerpted speeches of kings and other leaders from Livy (Dio 67.12.2–4). We are equally ill-informed concerning Maternus the Sophist, put out of the way in 91, supposedly for writing a declamation against tyrants (Dio 67.12.5).
 - 89 In addition, it is worth noting that this so-called “Stoic” circle was not directly affected by Domitian's expulsion of philosophers in 89, an action arguably motivated by moral as much as political concerns, Gel. 15.11. Astrologers and philosophers had been expelled by Domitian, however, in 89 and 93; see Cramer 1954: 245–7.
 - 90 Tac. *Agr.* 45.1; for discussion of the Stoic circle as constituting a “familial” type of opposition as well, see Melmoux 1975: 26; Syme 1991b: 575; also see MacMullen 1966: 55; Brunt 1975: 28. For the intellectual background to the opposition under

- Domitian, see Ballanti 1954: 75–95; Pliny tries to connect himself with this circle and its dangers, see Syme 1991b: 564–5 citing, *inter alios*, Plin. *Ep.* 7.27.14; cf. *Ep.* 3.11.
- 91 See Jones 1992: 182–92; cf. 1979: 86; contra, see e.g. Barnard 1963–4: 253. For a (relatively) favorable view of Domitian's reign post-93 see Syme 1988: 253–5; cf. Waters 1964: 76 n. 62 for a summation of Domitian's "victims."
- 92 For a general discussion of Domitianic treason trials see Rogers 1960: 19–25. For the difficulties of the chronology of these trials see Jones 1992: 119; for these individuals constituting a political "group" see Syme 1991b: 568–87: after Domitian they were to give up their rancor and survive as servants in the imperial administration.
- 93 See Plin. *Ep.* 7.33; Sherwin-White 1966: 444–7 for commentary; cf. Brunt 1961: 205; Garnsey 1970: 51–2, 57.
- 94 Bauman 1974: 33–4 citing contra Sherwin-White 1966: 242, 425, 446, 766.
- 95 See Baebius' *vita* in Part II for further discussion of this case and bibliography. For Mettius as *accusator* in this case, see Rogers 1960: 20 for discussion citing Plin. *Ep.* 7.19.5; Rogers maintains (less convincingly) that Aquilius Regulus was the accuser of Arulenus, Publicius Certus of Helvidius (citing Plin. *Ep.* 1.5.2; 9.13.1, 13, 17).
- 96 Regulus had his reasons for attacking Herennius, since Herennius used to deride Regulus' oratory, Plin. *Ep.* 4.7.5. Fanizza 1988: 36 reads into Pliny's account of the prosecution of Herennius and Rusticus competition amongst *delatores* for victims.
- 97 Tac. *Agr.* 2.1; Dio 67.13.2; Plin. *Ep.* 7.19.5; see Rogers 1960: 19–21; Sherwin-White 1966: 424–6 for discussion. All three sources agree that he was executed for writing a life of Helvidius. The work was burned in the Forum according to Tacitus; for discussion see Jones 1992: 187; Syme 1991b: 576, 580.
- 98 For verbal treason under Domitian see Bauman 1974: 169–70; for a related discussion see Coleman 1986: 3112, who notes that there is only one recorded instance in which Domitian suppressed a work of fiction on the grounds that it allowed for a sinister interpretation, and that was the play written by Helvidius Priscus the Younger, Suet. *Dom.* 10.4. The censorship for non-fictional works was greater: Hermogenes of Tarsus, Arulenus Rusticus, and Herennius Senecio were possibly all called to account.
- 99 For Fannia see Bauman 1974: 169–70; Syme 1991b: 571 n. 24 (for the family connection); Jones 1992: 123. Gratilla, Junius Mauricus' wife, suffered the same fate as Fannia, Plin. *Ep.* 3.11.3; for discussion see Sherwin-White 1966: 243; Jones 1992: 122, 189; she had been a Flavian loyalist in 69, see Syme 1991b: 576.
- 100 See Dio 67.13.2; Plin. *Ep.* 1.5.3; see Stein 1927: 191–2 (with n. 3); Waters 1964: 73 (who argues for a charge of *maiestas*); Jones 1992: 187.
- 101 For Arulenus and his offense see Dio 67.13.2; Tac. *Agr.* 2.1; 45.1; Suet. *Dom.* 10.3; Rogers 1960: 21; Sherwin-White 1966: 95; Ogilvie and Richmond 1967: 132; Jones 1992: 119, 122–3, 186–7; Bauman 1974: 161 believes that the charges were based solely on his praises (*laudes*) of Thræsea Paetus.
- 102 Also see Rogers 1960: 19; Waters 1964: 73; (both scholars, with Jones, argue for a charge of *maiestas*); Rusticus' works, along with Herennius Senecio's, were publicly burned in the Forum, with a commission of three men chosen to carry out the task, Tac. *Agr.* 2.1.
- 103 For Mauricus see Plin. *Ep.* 1.5.10–16; 1.14; 2.18; 4.22.3–6; 6.14; on his career and origins see Sherwin-White 1966: 98; Syme 1991a: 219; 1991b: 487 (for his origins), 571–82 (for Mauricus as a member of Arulenus', Helvidius', and Senecio's political circle); Jones 1992: 122, 169, 189, 198.
- 104 B. Jones 1973: 84, 89–90; Syme 1991b: 574, 580. For Domitian's possible motives in elevating opponents to the highest offices see Jones 1979: 19 n. 88, 37 n. 59, 44; 1992: 169.

- 105 For Helvidius Priscus the Younger see Suet. *Dom.* 10.4; Tac. *Agr.* 45.1; Plin. *Ep.* 9.13.1, 3; 7.30.4–5 (for Pliny's pamphlets concerning the avenging of Helvidius); Rogers 1960: 19–23; Sherwin-White 1966: 95, 242–3, 491; Ogilvie and Richmond 1967: 308; Bauman 1974: 169–70; Syme 1991b: 575; Jones 1992: 186–7. For his execution see Plin. *Ep.* 3.11.3.
- 106 The whole case is related in Plin. *Ep.* 9.13; for discussion and commentary see Sherwin-White 1966: 491–9; Garnsey 1970: 50–1, 56–7; cf. Giovannini 1987: 221, 232–3, 239 for Certus; also see Corbier 1974: 111–15; Syme 1991b: 481, 565, 579. Pace Rogers 1960: 20, Publicius Certus almost certainly was not the *delator*, and, as Sherwin-White 1966: 492 notes, Pliny does not refer to him as such. For discussion of Pliny's subsequent attempt to prosecute Certus, see Bauman 1974: 171 (citing Bauman 1967: 69–74), who argues that Pliny was accusing Certus of *maiestas*; see his *vita* in Part II for further discussion.
- 107 Plin. *Ep.* 9.13.2; for senators sitting as judges (*iudices*) cf. Tac. *Agr.* 45.1.
- 108 Plin. *Ep.* 1.5.5–7; 1.5.13–14; Sherwin-White 1966: 97–9; Jones 1992: 191; 1979: 112.
- 109 Plin. *Ep.* 1.5.5; Sherwin-White 1966: 97. Part of the case, according to Pliny, depended on an opinion of Mettius Modestus, then already in exile, whom Pliny cited in court; Regulus caught on this and interrogated Pliny concerning his opinion of Modestus repeatedly, though Pliny deftly avoided any direct response. Pliny later lets out that at Modestus' trial before Domitian a letter of Modestus' had been read out denouncing Regulus as "the most worthless of two-legged creatures." If the charge is true then Modestus will have furnished Regulus with a reason for undertaking his accusation (for what charge is unknown, though like Veiento in 62, he could have been charged for disgraceful remarks composed against senators). See Jones 1992: 191–2, who argues for Modestus' association with Mettius Pomposianus; cf. Tac. *Ann.* 14.50.1 for the possible charge of libel.
- 110 For Orfitus see Suet. *Dom.* 10.2; Philostr. *VA* 7.8; 7.33; 8.7; for discussion see MacMullen 1966: 73. For his father see p. 171; also see McAlindon 1956: 130.
- 111 For Helvidius' consulship see Gallivan 1981: 220; for Rusticus' see Gallivan 1981: 219 (and 213–20 in general for the revised *fasti* for 70–96); for the larger context of Helvidius' and Rusticus' consulships under Domitian see Jones 1979: 39, 44; Syme 1988: 255–6; Talbert 1984: 24. Jones 1979: 43 (who is critical of Sherwin-White's comments on this case [see 1966: 492]) notes that Pliny (*Ep.* 9.13.3) is surely incorrect to note Helvidius' retirement in light of his consulship.
- 112 Plin. *Pan.* 34.2 probably refers to the *lex Julia de adulteriis* and *lex Papia Poppaea*.
- 113 See Syme 1958: 129–31.
- 114 See Giovannini 1987: 220–1 for a discussion equally dubious about Pliny's depiction of Domitian's "reign of terror" as Sulla's proscriptions revisited.

6 THE DOMUS PRINCIPIS: DELATORES AND FACTIONALISM IN THE IMPERIAL FAMILY

- 1 Consequently, while this chapter includes several instances of opposition in the senate, they are cases in which either senators or *delatores* acted as partisans of the imperial court; such prosecutions do not constitute the sort of resistance offered by individuals or small groups within the senate. They are, rather, strictly a matter of politics within the imperial house itself.
- 2 Concerning the scandal of Augustus' daughter Julia, which came to light in 2 BC, we have absolutely no clue who the *delator(es)* was (or were) who denounced her and her paramours; the denunciation resulted in the suicide of Iullus Antonius (see Vell. *Pat.* 2.100.4–5; Dio 55.10.15; Tac. *Ann.* 1.10.3; 3.18.1; 4.44.5; cf. Tac. *Ann.* 1.53; Suet. *Tib.* 11.4). The bibliography on this episode is extensive, and I give

- here only a selection: Ferrero 1907: 233–76; Groag 1919: 74–88; Syme 1939: 425–7; Carcopino 1958: 65–142 (who includes a general discussion of the family of Augustus and Livia); Bauman 1967: 202 (defendants tried under the *lex Julia de adulteriis*); Ferrill 1980: 332–46; Lacey 1980: 127–42; Raaflaub and Samons 1990: 428–30; Raditsa 1980: 291–2. The scandal brought prosecutors out of the woodwork, as they accused numerous other women of similar behavior, according to Dio 55.10.16; Augustus refused to entertain all the accusations presented, and was forced to set a definite date as a limit and forbade prying into previous offenses. For the penalties and punishments of those involved see Paul. *Sent.* 2.26.14.
- 3 See e.g. Thibault 1964: *passim*; Bauman 1967: 242–5; 1992: 119–24; Levick 1976b: 301–39; Raaflaub and Samons 1990: 430–1; for a harsh assessment of the “Ovid in exile industry” see Syme 1978: 216.
 - 4 Ovid *Tr.* 2.51–2; 3.5.47–8; for “what he saw” see *Tr.* 2.103–5; 3.5.49–50. Bauman 1992: 119–24 has recently suggested that his banishment stemmed from the publication of the third book of the *Ars Amatoria* in conjunction with increasing challenges from within Augustus’ own house against his program.
 - 5 Ovid *Tr.* 1.3; cf. *Tr.* 2.131–2; 2.181. For discussion see Kelly 1957: 37 (with n. 31); Avonzo 1957: 23.
 - 6 Attempts to identify the *delator* as Ateius Capito appear flimsy at best, see Bauman 1989: 51–2.
 - 7 That the *delator* had Augustus’ ear may have elicited a poem from Ovid, see *Tr.* 5.8. See also Ovid *Tr.* 1.1.20–6; cf. *Tr.* 3.11, esp. 3.11.1–2; for an interesting discussion concerning Ovid and his relationship to his *delator* see Barchiesi 1997: 30.
 - 8 We need to be careful about how we take Tacitus’ presentation of the fall of Agrippina and those involved, bearing in mind that the memoirs of the younger Agrippina on which Tacitus drew will have favored the elder Agrippina; for discussion see Rogers 1935: 98 n. 311; Bird 1969: 69 rightly notes that her “party” will have gained in influence after 23 with the death of Tiberius’ son; Kaplan 1979: 410–17 argues that Agrippina’s behavior was generally provocative; for a sympathetic treatment of Agrippina see McDougall 1981: 104–7.
 - 9 For a detailed discussion concerning Agrippina and politics early in Tiberius’ reign, see Marsh 1926: 233–50; Bauman 1992: 138–43.
 - 10 Tac. *Ann.* 1.4.5; Goodyear 1972: 124–5; cf. Tac. *Ann.* 1.46.1; 2.43.5; relations between Germanicus and Drusus were friendly enough, but not between the women of the imperial family.
 - 11 For a discussion concerning Germanicus’ rather hapless actions on the Rhine see Pelling 1992: 59–85.
 - 12 Tac. *Ann.* 1.41.3; cf. Dio 57.5.6, which is in stark contrast to Tacitus’ account, and which led Goodyear 1972: 279–80 to question Tacitus’ historical accuracy. Tacitus’ version however is generally consistent with what we know of Agrippina’s character.
 - 13 Tac. *Ann.* 1.69.2–6; cf. Dio 57.6.2–3. As Goodyear 1981: 125 points out, the largesse of clothing and tending to wounds is not itself unusual – but it is certainly extraordinary in a woman of Agrippina’s birth and position.
 - 14 See Tac. *Ann.* 1.52.1 – though this may be an observation in hindsight, in light of the subsequent conflict between Agrippina and Tiberius.
 - 15 See Tac. *Ann.* 1.13.3 – her husband had been mentioned as a possible successor to Augustus. That may be, admittedly, a slender thread on which to build imperial pretensions. For Plancia’s actions in Syria, see Tac. *Ann.* 2.55.5; see Kaplan 1979: 412 for discussion, who also notes the disparity of Tacitus’ presentation of Plancia and Agrippina. Cf. the accusation of Calvisius Sabinus’ wife Cornelia in 39, Dio 59.18.4; cf. Tac. *Hist.* 1.48; Plut. *Galba* 12.
 - 16 See Furneaux 1896: 348 for discussion of the inscription celebrating this event.

- 17 Tac. Ann. 2.72.1; for her fierce nature cf. Ann. 4.52.3; see Allen 1941: 7 for Agrippina's personality; cf. Rogers 1931a: 149–50.
- 18 See e.g. Tac. Ann. 3.1.1–2, which indicates support of notable friends, veterans who had served under Germanicus, and the popular support of the people. See Woodman and Martin 1996: 96, who note that the “idolisation of Germanicus is remarkable at a time when Tib.'s own son was still alive.”
- 19 Woodman and Martin 1996: 97: “Tib.'s ‘extreme sensitivity’ to this claim is explained by the fact that it ‘was not merely a studied insult to himself, the adopted son, and to his mother, who was Julia Augusta only by testamentary adoption; it implied a challenge to Tiberius’ position’,” (citing Seager 1972: 176).
- 20 Contra Shotter 1967: 712–13, who questions the genuine threat of any party of Agrippina and even its existence, arguing that Sejanus will have had an interest in representing the existence of such a party. For the difficulties of assessing the existence of a party of Agrippina through the lens of our sources see Barrett 1996: 33.
- 21 Her son Drusus, we know, is introduced to public life (Tac. Ann. 4.8.5), and made city praefect at the *feriae Latinae* in 25 (Ann. 4.36.1), though he was soon brought over as one of Sejanus’ partisans (Ann. 4.60.4); Nero is actually married to Julia, Drusus’ daughter (Ann. 3.29.4), and soon introduced to public life (Ann. 4.8.5), though he later becomes an object of Sejanus’ attack (Ann. 4.59.5).
- 22 See Bird 1969: 61–98 for a good discussion of Sejanus’ political influence, especially after 23.
- 23 For discussion of this passage see Bauman 1992: 144–5.
- 24 For the case see Tac. Ann. 4.18–20; for discussion see Marsh 1931: 169–72; Rogers 1931a: 141–4; 1935: 75–8; 1952: 295–6; Köstermann 1965: 85–92; Bird 1969: 70; Seager 1972: 189–90; Bauman 1974: 116–20 (for the question of *maiestas* in this case – Silius’ boast about his army’s loyalty would have constituted a diminution of the *maiestas* of the Roman people); Hennig 1975: 47–52; Levick 1976a: 163, 185; Shotter 1967: 712–16; Fanizza 1977: 204–6; Talbert 1984: 507; Woodman and Martin 1989: 144–51; for Sosia see Marshall 1990: 343; see also Bird 1969: 71, who notes that, in addition to the three major prosecutions Tacitus records, there was, in addition, the conviction of P. Suillius Rufus, Germanicus’ former quaestor, in 24, citing Tac. Ann. 4.31.5–6.
- 25 See Walker 1960: 104–5 for a general discussion of Silius’ and Sabinus’ cases.
- 26 See Woodman and Martin 1989: 148 for discussion; they note that the language is a reflection of Tiberius’ conservatism, and reflects the idea of civil unrest that Sejanus puts into his head at Ann. 4.17.4. Hennig 1975: 50 (with n. 47) notes that Tiberius’ allowing Varro as consul to prosecute might have been contrary to custom, but was not necessarily illegal, citing Dig. 48.2.8; also see Bauman 1966: 423 for discussion.
- 27 There was a *damnatio memoriae*, and nearly twenty-five years later Narcissus could point to the images of Silius the Younger’s father in Messalina’s house, which were forbidden by law, Tac. Ann. 11.35.2. On the rights of the children of the condemned to inherit see Biondi 1955: 91–2.
- 28 Scholars have not always been as critical of Tacitus’ presentation of this trial as they perhaps should be; see e.g. Shotter 1967: 712–16.
- 29 Contra Bauman 1974: 120, who discounts enmity as a motive which was in fact common enough; see e.g. the case of L. and M. Licinii Luculli, cited as paradigms of *pietas* for accusing their father’s prosecutor, M. Servilius, in 101 or 102 BC; see Quint. Inst. 12.7.3–4; cf. Plut. Luc. 1; Diod. Sic. 36.9.1–2; see Russell 1950: 72–3 for discussion. Hennig 1975: 48 is one of the few scholars who has noted that *inimicitia* will have played a role in Varro’s prosecution.
- 30 The case must be set in the context of those who connive with Rome’s enemies, as had been the case in 21 with Antistius Vetus, who was condemned for *maiestas* and

- interdicted from fire and water for his collusion with Rhescuporis, Tac. Ann. 3.38.2; see Shotter 1980: 231–2; Köstermann 1963: 492.
- 31 Bauman 1992: 146–7; cf. Rogers 1931a: 142–4 who argues that Silius and Sosia were leaders of Agrippina's party whose military reputation would have been an asset to her.
 - 32 For the case see Tac. 4.52–4; for discussion see Marsh 1931: 179; Rogers 1931a: 153–4; 1935: 92–3; Cramer 1954: 256–7; Köstermann 1965: 163–6; Bauman 1967: 234–5; 1992: 147–8; Bird 1969: 71–2; Seager 1972: 200–1; Hennig 1975: 63–4; Levick 1976a: 165–6; Syme 1986: 327; Woodman and Martin 1989: 215–18; Marshall 1990: 344.
 - 33 See Barrett 1996: 34–5 for discussion.
 - 34 Cf. e.g. Tac. Ann. 2.29.1; for discussion see Goodyear 1981: 272–3 citing Cic. Dom. 55; Sest. 32; ILS 140; Livy 6.20.2; 8.37.9; in addition she asked Tiberius in this year for permission to marry (Tac. Ann. 4.53.1), possibly to offset Sejanus' attempt to ally himself with the imperial house through Livilla, daughter of Drusus and Antonia (Tac. Ann. 4.39–40), and Agrippina's rival, see Allen 1941: 7.
 - 35 For the case see Tac. Ann. 4.66; for bibliography and discussion see Rogers 1931a: 155–6; 1935: 94; Seager 1972: 205; Levick 1976a: 166; Syme 1986: 149, 315 (for Quintilius Varus' lineage); Woodman and Martin 1989: 240–1; Bauman 1992: 148; Treggiari 1991: 157; Barrett 1996: 36.
 - 36 See Syme's stemmata 1986: table XXVI for the relationship between Varus and Dolabella.
 - 37 Barrett 1996: 36 citing Sen. Contr. 1.3.10; Tac. Ann. 4.66.1.
 - 38 Syme 1986: 325; Varus' father will have succeeded Sentius Saturninus in AD 6 or 7 in his province.
 - 39 Seager 1972: 205 maintains that the disappearance of Varus and any subsequent Vari may indicate suicide or condemnation subsequently (citing Kösterman 1965: 195–6).
 - 40 See Tac. Ann. 4.68–70 for this case (cf. 4.17.4; 18.1, 19.1; Dio 58.1.1–3; Pliny Nat. 8.145; possibly Suet. Tib. 54.2); for discussion of the trial see Marsh 1931: 183–4; Rogers 1931a: 144–5; 1935: 94–7; Köstermann 1965: 200–8; Seager 1972: 207–8; Bauman 1974: 121–2; Levick 1976a: 168–9; McCulloch 1981: 219–22; Woodman and Martin 1989: 247–53; Barrett 1996: 36–7.
 - 41 Little is known about Titius Sabinus, but see Demougin 1992: 222.
 - 42 Although this is mere guesswork on Tacitus' part. Only one, Cato, made it that far; see Seager 1972: 129 for discussion; cf. p. 47.
 - 43 Contra Rogers 1935: 94–7 and Avonzo 1957: 91–2, who argue for a charge of *maiestas* (citing Plin. Nat. 8.40; 8.145); there simply was no trial. See Dio 58.1.3.
 - 44 As late as 24 Tiberius had rejected a case of libel against himself brought up against a Roman equestrian, C. Cominius, Tac. Ann. 4.31.1; in the case Veranius brought up against Piso in 24 there was possibly more at work than simply secret conversation against the emperor (which could imply conspiracy as well as libel); the only case in the senate thus far had been possibly that of Cremutius Cordus (see pp. 95–6) or Votienus Montanus (see p. 97).
 - 45 Rogers 1931a: 152; see Tac. Ann. 4.70.7; Hennig 1975: 90–2 also sees Sabinus as an associate of Nero's and Agrippina's involved in a conspiracy (citing the same evidence as Rogers), but, as attractive as such a scenario may be, Hennig himself admits that the available evidence for this case makes such a connection indeterminate.
 - 46 He was hauled off with the noose around his neck, and presumably executed without delay (Tac. Ann. 4.70.2–5). Dio adds the detail that Sabinus' body was cast onto the Gemonian steps and then thrown into the Tiber.
 - 47 See Calpurnius Salvianus' *vita* in Part II for discussion.

- 48 Contra Seager 1972: 207 the cumulative sum of actions taken in this case tells against it as merely a figment of Tiberius' imagination.
- 49 Tac. *Ann.* 5.3.3–4; cf. Suet. *Tib.* 54.2; for discussion see Marsh 1931: 185–7; Rogers 1935: 98–103; Seager 1972: 209–10; Bauman 1974: 122–3; Marshall 1990: 345; Barrett 1996: 37–9.
- 50 Tac. *Ann.* 5.4.2; there were surely those in the senate sympathetic to Agrippina, as Rogers 1935: 99 notes (citing Tac. *Ann.* 5.3.4).
- 51 For the trial see Suet. *Tib.* 53; Philo *Flac.* 9; cf. Avillius' *vita* in Part II.
- 52 As was her son Nero, see Suet. *Tib.* 64; they were not pardoned after Sejanus' fall.
- 53 Dio 58.3.8 says that his wife accused him falsely in 30. The identity of Cassius is disputed; Furneaux 1896: 587 argued implausibly for the long since exiled Cassius Severus; Rogers 1935: 106 n. 327 (citing Tac. *Ann.* 6.15) rightly disputes identifying him as L. Cassius Longinus, the incumbent consul (contra Klebs *PIR*¹ C 430) since he marries Drusus' sister three years later.
- 54 The historical reality of informants' activities against those under accusation and imprisoned is most vividly depicted (albeit in a quasi-fictionalized account) in Philostr. *VA* 7.36, in which an *agent provocateur* of Domitian's attempts to elicit from Apollonius defamatory remarks against the emperor.
- 55 Ehrhardt 1978: 54–5, 59. As Ehrhardt 59 notes, it was the ultimate Catch-22: "If a single successor were close, who knew he would be set aside when the emperor's son came of age, he would be very tempted to accelerate the emperor's death, and thus secure his own position."
- 56 For Seneca as paramour see Dio 60.8.5; Tac. *Ann.* 13.42.4; Sen. *Dial.* 11.13.2; see McAlindon 1956: 123–4; Baldwin 1964: 40; Bauman 1974: 176–7 (who asserts that the charge of adultery functioned as a substitute for *maiestas*); 1992: 168–70; Ehrhardt 1978: 61. Wallace-Hadrill 1996: 304 is right to note that the charge of adultery should not be dismissed here as a sham, arguing that marriage connections were a powerful tool of dynastic politics, and that adultery could be viewed as a potentially destabilizing threat which closely bound individuals forming groups outside of the princeps' control.
- 57 Dio 60.25.1; 60.27.4; see Levick 1990: 56, 61 for Vinicius; but see McAlindon 1956: 123–4, who argues that the prosecutions against the two Juliae were, in some measure, justified.
- 58 Dio 60.8.5 merely refers to *enklemata alla*; also see Sen. *Apoc.* 10; cf. Tac. *Ann.* 13.42.4–5; Dio 60.18.4; Suet. *Claud.* 29; see McAlindon 1956: 124; Baldwin 1964: 40; Ehrhardt 1978: 54–5, 61.
- 59 Ehrhardt 1978: 57; Levick 1990: 56; Bauman 1992: 171, who conjectures that Julia was in league with Catonius Justus. On Rubellius Blandus and his connections see Syme 1988: 62–85.
- 60 See Tac. *Ann.* 11.29; see Bauman 1974: 179, 185, who argues (based on Sen. *Apoc.* 11 and 14) that Messalina could have been accused under the *lex Cornelia de sicariis*.
- 61 For the details concerning Agrippina's activities in this area see Griffin 1984: 28–33; Levick 1990: 70–8; Bauman 1992: 179–87.
- 62 See Bauman 1992: 180 citing Tac. *Ann.* 12.3.2–4.5, 12.8.1; Baldwin 1964: 40–1; Ehrhardt 1978: 59–60; Barrett 1996: 99–100; his brothers, M. Silanus and D. Silanus Torquatus, were each destined to perish in turn, see Tac. *Ann.* 13.1.1.
- 63 Contra Levick 1990: 71 and Bauman 1992: 180, the charge was likely not *incestum*; see Tac. *Ann.* 12.4.2–5; cf. P. Vitellius' *vita* in Part II. Tacitus says that Vitellius acted of his own accord in order to obtain Agrippina's favor, but Agrippina, given her calculating prosecutions against subsequent rivals, will surely have had some influence with Vitellius – and Vitellius was the one who justified Agrippina's marriage to Claudius in the senate. Dio (61.31.8) says that he was executed, but also

- notes the collusion of Agrippina and Vitellius in his demise; for Silanus' suicide see Tac. Ann. 12.8.1. See Griffin 1984: 73 for discussion of the case of Silanus and Calpurnia, where Griffin rightly notes the case was simply a matter of the need to eliminate rivals.
- 64 Tac. Ann. 12.22.1; cf. 12.1.3; for Lollia Paulina's lineage see Syme 1986: table XI.
- 65 Suet. Cal. 25.2; Dio 59.12.1; for discussion see Furneaux 1907: 63; Ciaceri 1918: 255 n. 2 who argues that magic was understood as tantamount to *maiestas*; Köstermann 1967: 142–3; Levick 1990: 71; Bauman 1992: 181–2; Barrett 1996: 107–8.
- 66 An even more obscure case arose at the same time against Calpurnia, to whom Tacitus refers as an *inlustris femina*, Ann. 12.22.3; according to Tacitus, Agrippina overheard Claudius praise her beauty, which resulted in her destruction. See Köstermann 1967: 143–4; Bauman 1992: 182. The accusations against Calpurnia and Lollia are probably connected, reflecting some insecurity still on the part of Agrippina and her position, as Bauman notes.
- 67 See Levick 1990: 75; for a general discussion of the case see Bauman 1974: 194.
- 68 See Tac. Ann. 12.42.4–5; Bauman 1992: 183–4; 1974: 194 remarks that had the case been accepted, this would have been the only *maiestas* trial under Claudius.
- 69 For the case see Tac. Ann. 12.64.4–65.1; for their rivalry over Nero see Tac. Ann. 12.64.6. For discussion see Levick 1990: 76–7; Bauman 1992: 185–6; Ehrhardt 1978: 57, who notes that Nero was in Domitia's care while Agrippina was in exile, surely aggravating tensions between them.
- 70 Cf. Cramer 1954: 263–4; Barrett 1996: 137–8.
- 71 See Bauman 1992: 186; Barrett 1996: 138–40.
- 72 See Bauman 1992: 186–7 citing Suet. Claud. 44.1; for the burning of Narcissus' letters see Dio 60.34.4–5.
- 73 Tac. Ann. 13.12–17. See Bauman 1992: 194–6 for one of the few coherent discussions concerning the decline of her power.
- 74 See Tac. Ann. 13.19 for the case; see Rogers 1955: 199–201; Baldwin 1967: 431–3; Martin 1981: 166; Griffin 1984: 74; Bauman 1992: 196–8; Rudich 1993: 18–19; Barrett 1996: 174–7; also see the *vitae* of Iturius, Calvisius, Domitius Paris, and Atimetus in Part II.
- 75 See Ehrhardt 1978: 57 for the Silani; Syme 1986: 196; Barrett 1996: 175 for the family rivalry.
- 76 Tac. Ann. 13.19.4–20.1. Sources were at variance concerning the involvement of Burrus, Tac. Ann. 13.20.2–4.
- 77 See Dig. 48.16.1.13 which made the accuser's backer liable to the same punishments as the accuser if the case were lost.
- 78 Tac. Ann. 13.21.9–13.22; Calvisius and Iturius were allowed to return after Agrippina's death, see their *vitae* in Part II; for Agrippina's enhanced prestige see Barrett 1996: 176–7.
- 79 Tac. Ann. 13.47; Sulla was consul *ordinarius* in 52, see Gallivan 1978: 409 citing AE 73.147; also see Rogers 1955: 195, 201; Baldwin 1967: 432, who argues that Paetus' accusation was not groundless given that Sulla was distrusted by Nero, and that Pallas, an intimate of Agrippina's, had by now been dismissed.
- 80 For the family connections of Sulla see Syme 1986: 164.
- 81 See Ehrhardt 1978: 58 for discussion.
- 82 See Griffin 1984: 178 on the charges against Rubellius Plautus and their connection with those against Antistius Vetus, his father-in-law, later on; cf. Rudich 1993: 45–6 for Rubellius' exile; cf. Rogers 1955: 195, 202–5; Martin 1981: 185.
- 83 Tac. Ann. 14.57–9; see McAlindon 1956: 124 for the exile of Sulla and Plautus; cf. Bauman 1992: 205–8.
- 84 See Schumacher 1982: 159–64 for the interrogation of slaves in Octavia's case.

- 85 Tac. *Ann.* 14.60.6–61.2. See Rudich 1993: 71 for the riots in the wake of Octavia's condemnation.
- 86 See Bauman 1974: 189; Rudich 1993: 73 takes the denunciation to have an opposite significance, as indication of the fatuity of Nero's action against Octavia.
- 87 See Tac. *Ann.* 15.35.4; Dio 62.27.2; for discussion see Rogers 1955: 196, 207; Köstermann 1968: 226–8; Griffin 1984: 85; Rudich 1993: 82–3; for Silanus' ancestry see Syme 1986: tables XII and XIII.
- 88 See Griffin 1984: 88 for the significance of the charge that Silanus gave his own freedmen the same titles as freedmen in the imperial house; also see McAlindon 1956: 122, who notes that Silanus was known for his prodigality as well (citing Dio 60.27.2, who says this was the reason for his death). Contra see Rudich 1993: 82, who argues that "it is known that the titles and ranks of these freedmen officers of the central court administration did correspond to divisions of other private households, which was precisely what the Imperial domain had initially been."
- 89 See Bradley 1973: 180, who is right to note, however, that Silanus' suicide before the verdict is not the act of an innocent party.
- 90 For the case against Silanus, Cassius, and Lepida, see Tac. *Ann.* 15.52; 16.7; Furneaux 1907: 386–7, 436–9; Rogers 1955: 196, 210; Griffin 1984: 169–70; Köstermann 1968: 277, 346–7; Rudich 1993: 137–40.
- 91 For Cassius' reverence for the tyrannicide Cassius, see Tac. *Ann.* 16.7.3; Suet. *Nero* 37.1, who says Cassius was executed for his possession of the effigy; cf. Dio 62.27.1.
- 92 See Baldwin 1967: 426–8; the family first incurred displeasure with the Caesars in Gaius' reign, when M. Junius Silanus, suffect consul in 15, was driven to suicide.
- 93 See Tac. *Ann.* 16.7.3–4; 16.8.2–9.1; for discussion see Marshall 1990: 349; for Lepida see *PIR*² I 861; Rogers 1952: 303–4; Köstermann 1968: 348–50; Rudich 1993: 139–40.
- 94 See Griffin 1984: 178 on the charges against Rubellius Plautus and their connection with those against Antistius Vetus, Plautus' father-in-law, later on.
- 95 See Schumacher 1982: 149–51.
- 96 An Antistius Vetus, one of the foremost men from Macedonia (*e primoribus Macedoniae*) was tried for adultery before the senate in 21, Tac. *Ann.* 3.38.2; the name indicates that he was possibly a client of Antistius Vetus' family, and had a connection with that province; see Seager 1972: 158; Levick 1976a: 198.
- 97 See Suet. *Dom.* 15.1 for Clemens, his family, and his fall. See *PIR*² F 418 for Flavia Domitilla; for her mother see F 417; for discussion see Jones 1992: 47–8.
- 98 For discussion on the nature of the charges against Flavius Clemens and Flavia Domitilla see Barnard 1963–4: 251–60, who argues for a charge of Christianity based on the attendant charge of atheism; contra see Barnes 1968: 36; Jones 1992: 115–17; Williams 1990: 208, who notes that their possible conversion was tantamount to *contumelia numinum* (citing Plin. *Nat.* 13.46), and was a subsidiary charge to that of *maiestas* (a charge which Williams conjectures on the analogy of Glabrio [Suet. *Dom.* 10.2]).
- 99 Williams 1990: 209: "Clemens and Domitilla, of course, were not just anybody. They stood as close to the throne as it was possible to get. In exposing to Domitian such gross contamination at the very heart of his society, the delators must have known they were on to a winner."
- 100 See Jones 1992: 187 for Arrecinus Clemens.

7 CONSPIRACY

- 1 See Syme 1939: 333–4; Bauman 1967: 184 for Murena; Suet. *Tib.* 8; Vell. *Pat.* 2.91.2; Dio 54.3. For the literature on Murena's identity see Raaflaub and Samons 1990: 426 n. 32. Castricius is not known beyond his role as an informant in this

- case; see *PIR*² C 540, possibly to be identified as A. Castricius Myriotalenti *filius*, *PIR*² C 541.
- 2 For the whole episode see Vell. Pat. 2.129.2; 2.130.3; Tac. Ann. 2.27–31; Suet. Tib. 25; Dio 57.15.4–6; for a detailed bibliography (ancient and modern) of the trial see Firmius Catus' *vita* in Part II (and cf. Vibius Serenus, Fulcinius Trio, and Fonteius Agrippa); in addition see Allen 1941: 23; Köstermann 1955: 87–90; Syme 1958: 399–400; Walker 1960: 92–5; Paladini 1968: 26–34; Weinrib 1968: 32–3; Martin 1981: 120–1. If we can believe Suetonius (Tib. 25.3), the whole thing took place over a period of nearly two years and Libo was suspected early on, though it is entirely possible that the source comes from one which wanted to exaggerate Tiberius' dissembling; see Shotter 1972: 91 for the implausibility of Suetonius' presentation.
 - 3 Seneca Ep. 70.10 supports Tacitus' portrayal of Libo as a *iuvēnem inprovidum et facilem* characterizing him as "a youth more foolish than noble" (*adulescentis tam stolidi quam nobilis*), who "hoped for greater things than his or any time allowed."
 - 4 For access of informants to emperors see Dig. 48.19.6.
 - 5 Though he had not yet held it, see Goodyear 1981: 271; Levick 1976a: 270–1 n. 14.
 - 6 See Shotter 1972: 92.
 - 7 Bauman 1974: 67 argues that the subsuming of occult practices under the *lex maiestatis* is not attested until much later, in the mid-fourth century (AD 358, citing CTh 9.16.6 = CodJ 9.18.7). It was always a serious offense; for a detailed discussion of the charges of magic as they relate to the conspiracy charges in this case (and the charges of magic in general) see Goodyear 1981: 266–8; cf. MacMullen 1966: 129, who notes that Augustus suppressed astrology in AD 11 because of predictions concerning his death, "and forbade such consultations without the presence of a third person"; cf. Dio 56.25.5; 56.36.3.
 - 8 See Goodyear 1981: 268 for discussion; refusal to charge Libo with *maiestas* will have made sense if he had not conspired against magistrates holding *imperium*. But the princeps' holding of *maius imperium* in perpetuity in conjunction with the decree celebrating the deliverance of Tiberius (see below n. 13) in this instance could mean that *maiestas* was one of the charges, though Tacitus – perhaps significantly – never mentions it. It could be that the case against Libo was sufficient without the introduction of the additional charges.
 - 9 With Bauman 1974: 60–1, contra Goodyear 1981: 263–4.
 - 10 For the evidence of slaves against their masters, see pp. 33–5. To obtain the evidence concerning Libo, Tiberius had recourse to an allegedly innovative method (according to Tacitus) whereby the slaves were made over as property to the treasury agent. Dio (55.5.4) however ascribed the innovation to Augustus (cf. Dig. 48.18.8; see Goodyear 1981: 276 for discussion). Technically the use of torture against servants to denounce masters was prohibited in the Republic (see e.g. Cic. *Deiot.* 3), but there were exceptions, including cases of *maiestas* and incest, see Goodyear 1981: 277 citing Cic. *Deiot.* 3; *Mil.* 22, 59; *Part.* 34, 118; also see Schumacher 1982: 127–30; Shotter 1972: 93–5 for Augustus' precedent.
 - 11 For the continuance of the trial after the defendant's death see Dig. 48.4.11.
 - 12 See Rogers 1935: 19 for discussion.
 - 13 See Tac. Ann. 2.32; cf. Dio 57.15.7–8. An inscription records the *dies festus* (see Jones and Ehrenberg 1955: 52 citing CIL I f.a. *Amitemini* p. 243, dated September 13): *fer. ex s.c. q. e. d. nefaria consilia quae de salute Ti. Caes. liberorumque eius et aliorum principum civitatis de(que) r.p. inita ab M. Libone erant in senatu convicta sunt*. As Goodyear 1981: 281 notes, the prohibition on *imagines* was nothing new (citing Cic. *Rub. perd.* 24), and cf. the ban on the public display (though not private possession) of Brutus' and Cassius' *imagines*, Tac. Ann. 3.76.5; 4.35.3; Plin. Ep.

- 1.17.3; Dio 53.32.4. For the expulsion of astrologers in the wake of the senatorial decree see Cramer 1954: 237–40 citing Suet. *Tib.* 36; Dio 57.15.8; Ulp. *de Off. Proc.* 7 (in *Leg. Mos. et Rom. collatio* 15.2.1); for discussion see Potter 1994: 174–5. Similar bans and expulsions occurred down through the Late Empire when there were systemic pressures, see Barb 1963: 100–17.
- 14 Seager 1972: 92 argues he posed no real threat.
- 15 See Goodyear 1981: 265, who remarks that this is the first instance of delation through entrapment in the Early Empire, citing Furneaux 1896: 317; we should, however, be cautious, since it could simply be a matter of Libo tapping Catus for support, and Catus turning in his wayward friend.
- 16 Cf. Goodyear 1981: 265.
- 17 On the “individual initiative” of the *delatores* in this case, see Seager 1972: 192.
- 18 See Shotter 1972: 92 citing e.g. Dio 56.25.5; Suet. *Tib.* 63.1; Tac. *Ann.* 12.52.3; *Hist.* 2.63.3. Similar expulsions took place in 52 (see p. 109), successively in 68, 69, and 70, and in 89 after Saturninus’ revolt; ca. 175 after the revolt of Avidius Cassius a similar expulsion took place, see Cramer 1954: 234, 254–5. There had been “mass” expulsions in the Republic, though for different reasons, in 139 and 33 BC.
- 19 Also see Syme 1958: 399–400 for discussion.
- 20 For Libo’s lineage and family background see Weinrib 1967: 247–78; also see Syme 1986: table XIV.
- 21 See Levick 1976a: 149: Cn. Lentulus had been consul in 14 BC; L. Pomponius Flaccus was already consul designate; L. Plancus already consul in AD 13; C. Asinius Gallus consul in 8 BC; M. Papius Mutilus suffect consul in AD 9, and L. Apronius the same in AD 8. All were, as Levick put it, “sympathetic (or interested) men of rank.” For the relationship to Tiberius and the careers of these individuals, and the sources, see Levick 1976a: 270 n. 10. There is also the consideration that these men were showing *fides* for the *beneficium* and patronage they enjoyed from the ruling house.
- 22 Under the *lex Julia de vi*; see *Dig.* 48.6.7; 48.5.26.1; cf. *Paul. Sent.* 5.26.1: putting a citizen to death or casting him in chains made one subject to prosecution *de vi*; see Mommsen 1899: 663; Kunkel 1969: 52.
- 23 Tacitus does not say which of the two specific charges were subsumed under *maiestas*, possibly both; see Tac. *Ann.* 4.30.3; cf. *Dig.* 48.4.1; Hennig 1975: 53–4 for discussion.
- 24 See Dio 57.24.8 for Lentulus; for the interrogation of Vibius’ slaves see Schumacher 1982: 140–1.
- 25 See Suet. *Nero* 49.2 for this punishment.
- 26 Bauman’s 1974: 114–15 assertion that this case is essentially one of verbal treason (and the first of its kind) is misleading; it is only about verbal abuse of the princeps in so far as there was something in the letters not necessarily reproaching but conspiring against Tiberius.
- 27 Also see the case of Castricius under Augustus, Suet. *Aug.* 56.4; for Firmius’ immunity see his *vita* in Part II.
- 28 For a detailed discussion which calls into question the existence and nature of the conspiracy, see Barrett 1989: 101–13. Whether the cases of Gaetulicus and Lepidus (who was connected by marriage to the imperial house) were linked or not, must remain in doubt (see Suet. *Claud.* 9.1; but cf. Tac. *Ann.* 4.42.3; 4.46.1; 6.30: Tacitus makes no mention of Gaetulicus’ subsequent fate). For Lepidus’ “plot” see Dio 59.22.5, 8; 59.23.1–2, 7–8; cf. Suet. *Cal.* 24.3; *Ves.* 2.3; for discussion see Rogers 1979: 19–21; Barrett 1989: 106–9.
- 29 The error of making Papinius out to be Anicius’ son is a desire on Dio’s part to congregate a series of plots together involving father and son, according to Barrett

- 1989: 156–7 (see too for general discussion of this case); cf. Schumacher 1982: 144 n. 5.
- 30 Dio 59.25.6–8; Sen. *Dial.* 5.18.3; Barrett 1989: 157.
- 31 For Pomponius and this whole episode see Sen. *Ben.* 2.12.1; Jos. *AJ* 19.32–6; Suet. *Cal.* 16.4; Dio 59.26.4; see Barrett 1989: 158, 293 n. 24; Timidius' *vita* in Part II.
- 32 Concerning others, such as the anonymous knight accused of conspiracy and hurled from the Capitoline in Dio 60.18.4, there is little recoverable. We have almost no detailed information concerning the *delator* of Asinius Gallus, half-brother of Drusus (son of Tiberius) alleged to have conspired with Statilius Corvinus and a number of Claudius' freedmen and slaves against Claudius in 46. All were subsequently exiled; see Dio 60.27.5; Suet. *Claud.* 13.2.
- 33 For Camillus' revolt see Dio 60.15.1–16.7; Suet. *Claud.* 13.2; Tac. *Ann.* 12.52.2; *Hist.* 1.89.2; 2.75; Plin. *Ep.* 3.16.7–9; Sherwin-White 1966: 249; Levick 1990: 59–61; Wiseman 1982: 59–67.
- 34 Dio 60.15.1; cf. Jos. *AJ* 19.251: M. Vinicius had a claim, Josephus says, due to his high birth and his marriage to Gaius' sister, Julia; Vinicianus was one of Gaius' assassins as well, *AJ* 19.252; Dio almost certainly mistakes Vinicianus for Vinicius, stating that it was Vinicianus who had been proposed for the throne; for Vinicius see Wiseman 1982: 60.
- 35 For Camillus' background see Ehrhardt 1978: 63; Wiseman 1982: 61–2; Levick 1990: 59.
- 36 See esp. Dio 60.15.3; cf. 60.15.6 for the execution of knights and senators in the wake of the conspiracy; cf. Suet. *Claud.* 29.2, thirty-five senators and more than 300 equestrians were executed.
- 37 Levick 1990: 119; for Suillius' involvement see Tac. *Ann.* 13.43.3; involvement in the prosecutions by individual senators appears to have been negligible, see McAlindon 1956: 118–19.
- 38 Plin. *Ep.* 3.16; for Vibia cf. Tac. *Ann.* 12.52.1.
- 39 See Rogers 1945: 264–70; Marshall 1993: 17–27. Marshall 1993: 26–7 notes that the charge of unlawful burial could have been appended to a *maiestas* charge, and therefore would have been a case worthy of a man of consular standing such as Afer (and as such on a level with the prosecution of other women in the case, such as Arria).
- 40 Tac. *Ann.* 13.43.3; Sen. *Apoc.* 13.5; Furneaux 1907: 211; Köstermann 1967: 320; McAlindon 1957: 282; Baldwin 1964: 43; see Gallivan 1978: 417 for Lusius' consulship; 408 for Lupus'.
- 41 Tac. *Ann.* 13.43.3; see McAlindon 1956: 128; 1957: 282, where he notes (probably incorrectly) that this does not necessarily refer to Camillus' revolt. It suits no other similar action under Claudius; cf. Wiseman 1982: 64–5 (esp. n. 81).
- 42 Jos. *AJ* 19.263–4; BJ 2.205; see McAlindon 1956: 128 for discussion. He owed his life, supposedly, to the intervention of Claudius, Jos. *AJ* 19.263.
- 43 See Paul. *Sent.* 5.29.1: a crime in which one had openly rebelled against the state or emperor came under the *lex Julia de maiestate*.
- 44 Alternatively, the episode could relate to the plots of Taurus Statilius Corvinus (*PIR*² S 595) or Asinius Gallus (*PIR*² A 1228) in 46 (if they are not one and the same); Suet. *Claud.* 13.2; Dio 60.27.5; Sen. *Apoc.* 13.5; see Ehrhardt 1978: 66 for discussion citing McAlindon 1956: 129–30; 1957: 282 n. 35.
- 45 For Appius Silanus' "conspiracy" see Dio 60.14.2–15.1; Suet. *Claud.* 29.1; for Silanus see Tac. *Ann.* 3.68.3; 4.68.1 (*cos.* in 28); 6.9.5; 11.29.1; for discussion see Baldwin 1964: 41–2; Swan 1970: 160–1; McAlindon 1956: 119 n. 54, 116–23 for a general discussion of the demise of the Junii Silani under the Julio-Claudians; Ehrhardt 1978: 61–2; Levick 1990: 58–9; Bauman 1992: 170; for the Junii's stem-

- mata see Syme 1986: tables XII and XIII; for Silanus himself see Wiseman 1982: 60–1, 63 – he was a realistic contender for succession in 41.
- 46 Silanus' execution could indicate his involvement in a plot which was just surfacing, though the only connection known between Silanus and the head of the conspiracy is a tenuous one: Silanus was unsuccessfully charged along with Anniius Pollio, Anniius Vinicianus' father, for *maiestas* in 32; see Tac. Ann. 6.9.5.
 - 47 Tac. Ann. 14.65.2; see Rudich 1993: 76, where he notes that the affair of Romanus and Seneca "demonstrates the perils of *amicitia* ... that could be at every point interpreted, in the spirit of the old Republic, as political alliance, and serve as grounds for prosecution."
 - 48 In an effort to shore up his claim, it has been plausibly suggested that Antonia, Claudius' daughter, was involved too. Tacitus remarks that Piso intended to be accompanied by Antonia to the praetorians, though Tacitus is dubious about the veracity of the story; however, as Rogers 1955: 208 has noted, Piso's wife was not noble, and Antonia would have enhanced his claim.
 - 49 See Tac. Ann. 15.49.1; cf. Dio 62.24. Piso is not mentioned in Dio's account, but Seneca and Rufus (presumably Faenius) are, as are Sulpicius Asper and Subrius Flavus. For a general discussion of the conspiracy see Ciaceri 1918: 363–86; Walker 1960: 131–7; Baldwin 1967: 437–8 (who notes the confusion and exaggerated nature of our sources); Warmington 1969: 136–40; Schumacher 1982: 148–9; Martin 1981: 183–4; Griffin 1984: 166–70; Rudich 1993: 87–122.
 - 50 See Tac. Ann. 15.49–50 for the names of the conspirators.
 - 51 For Epicharis see Tac. Ann. 15.51; Dio 62.27.3–4; for Volusius see his *vita* in Part II.
 - 52 Tac. Ann. 15.52–3 in fact gives very precise details concerning how the plot was to be executed; placing the plot at the *ludi Cereales*, celebrated April 12–19 (Ovid *Fast.* 4.393) gives us a precise time frame for the plot.
 - 53 For Milichus' denunciation and Scaevinus' incrimination see Tac. Ann. 15.55.3–56.1.
 - 54 See *Dig.* 48.19.6: anyone who seeks to avoid punishment and has something to impart concerning the princeps' security should be admitted; Epaphroditus was rewarded for his role in uncovering the plot, see Eck 1976: 381–4.
 - 55 See Tac. Ann. 15.56.4. Lucan denounced his own mother, Acilia, while Senecio and Quintianus incriminated Glitius Gallus and Anniius Pollio. See Dio 62.24, who indicates that in light of the plot's discovery *delatores* (particularly slaves) came out of the woodwork, and who says that even words were punished – though there is no certain evidence for his assertion.
 - 56 For a detailed discussion of this episode and its legal repercussions see Wolf 1988: *passim*.
 - 57 See Griffin 1984: 168.
 - 58 Tac. Ann. 16.18.5; Bauman 1974: 148–9 argues for a case of verbal treason, but given Tacitus' tendency to remark such cases, it is doubtful that such a charge was at work here; for the role of slave informants in this case see Schumacher 1982: 151–2.
 - 59 See Suet. *Nero* 32, who puts an increase in opposition after the episode of Caesellius Bassus later in 65 (see Tac. Ann. 16.1–3).
 - 60 For the case see Tac. Ann. 16.14–15; for discussion and bibliography, see Antistius Sorianus' *vita* in Part II. This is not the only example of "long-distance" *delatio* for possible conspiracy charges; see Ehrenberg and Jones 1955: 140–1: three inhabitants of Cyrene, Aulus Stlaccius Maximus, L. Stlaccius Macedo, and P. Lacutianus Phileros (a *libertus*) claimed (falsely as it turned out) to have information pertaining to the safety of Augustus; they were subsequently discharged, although Aulus was later accused of an uncertain crime, possibly under the *lex maiestatis* (see p.

- 349). For discussion of the brothers Stlaccii and their origin (possibly from Puteoli) see Anderson 1927: 39.
- 61 Rudich 1993: 145; cf. Mellor 1993: 52–3, 60, citing Tac. *Ann.* 1.3–4; 14.20; *Hist.* 1.15.
- 62 Bradley's view 1973: 177 that Antistius felt Ostorius in some way to blame for his exile is untenable – Ostorius spoke in Antistius' defense, although not necessarily out of altruism; cf. p. 113 n. 12.
- 63 See Rudich 1993: 145–6 for his military reputation.
- 64 Recall that Thrasea's less egregious suggestion of clemency in Antistius' case had landed him in trouble in Cossutianus' denunciation of him that same year.
- 65 See Cramer 1954: 265–7 for the charges of astrology in this case.
- 66 See Suet. *Nero* 36.1; cf. Tac. *Hist.* 4.42.1; for discussion see McAlindon 1956: 129; Warmington 1969: 156; Griffin 1984: 178–9; Rudich 1993: 195.
- 67 Warmington 1969: 156 argues that Vinicianus aimed to replace Nero with Corbulo. Rudich 1993: 197–8 notes, however, that everything in our sources tells against this, including Corbulo's compliance to Nero's summons to Corinth in 67, and his record of loyal service to the *principes*.
- 68 See Griffin 1984: 178, who opts for 66 (citing Suet. *Nero* 36.1). The Arvals apparently offered thanks for the detection of a nefarious plot sometime after mid-May in 66; see Suet. *Nero* 36; Smallwood 1967: 26. Rudich 1993: 201 puts Orfitus' death under the regency of Helius in 67, but on 199 opts for either 66 or 67; McAlindon 1956: 127 is non-committal, dating these prosecutions to 66–8.
- 69 See Rudich 1993: 201 for discussion.
- 70 His full name was Ser. Cornelius Scipio Salvidienus Orfitus; he was consul *ordinarius* in 51 with Claudius (Plin. *Nat.* 2.99; see Gallivan 1978: 409 citing AE 73.157; 64.154) and proposed an absurdly sycophantic decree in 65, Tac. *Ann.* 16.12.3; for the strategic importance of the Forum see Rudich 1993: 199 (citing Vestinus Atticus' fortified mansion nearby); for the prosecution of a man for leasing shops near the Forum see Dio 62.27.1; cf. McAlindon 1956: 130 for discussion.
- 71 For the Scribonii see Chilver 1979: 4–5 citing Dio 62.17.3; for Scribonius Proculus see *PIR*¹ S 217; for Rufus see *PIR*¹ S 219. They were connected with the *gens* Scribonia, and were descended from Pompey and the family of Scribonius Libo, another former opponent of the *principes*. They were possibly connected with L. Arruntius Camillus Scribonianus and M. Crassus Frugi, who was married to Sulpicia Praetextata (Tac. *Hist.* 4.42); Sulpicius Camerinus, who subsequently gave Nero trouble, himself may have been related to Sulpicia, Dio 63.18.2.
- 72 See Syme 1958: 560; Rudich 1993: 199–200.
- 73 See Syme 1958: 560; for Gallus see Rudich 1993: 199, 291–2.
- 74 Syme 1958: 560; Rudich 1993: 70 discounts the idea that there was any conspiracy or plan for military action on Corbulo's part.
- 75 See Rudich 1993: 198 citing Dio 62.19.4. He appears to have been a genuine contender for empire; see Syme 1979b: 822–4 for Corbulo's career, connections, and influence.
- 76 For the fall of the Crassi under Nero see Griffin 1984: 178, 196; Rudich 1993: 202, who notes the inherited hatred of the Crassi against the princeps; M. Licinius Crassus Frugi, consul of 27, and his wife Scribonia, perished in 46; for discussion see Syme 1958: 385–6; Baldwin 1964: 41. Their line of imperial opponents did not end there; see *HA Hadr.* 5.5; Dio 68.3; 68.16.2.
- 77 See Ehrhardt 1978: 59–60 for a discussion of the offices held by Pompeius; the blood of four great families, the Licinii Crassi, Calpurnii Piones, Pompeii Magni, and Scribonii Libones, coursed through his veins, and his father, for one, had set his sights high; see Ehrhardt 1978: 67 citing Sen. *Apoc.* 11.2; cf. Wiseman 1982: 65.

- 78 For Sulpicius Camerinus see Gallivan 1978: 408 citing *ILS* 206; cf. Griffin 1984: 114; Rudich 1993: 201.
- 79 See Crook 1951: 171–2, who argues that Titus merely desired to remove those of his father's *amici* who opposed him; cf. Jones 1984a: 92–3; 1975: 455.
- 80 For Titus' cruelty and unpopularity see Suet. *Tit.* 6.1; 7.1.
- 81 Suet. *Tit.* 6.2; for Eprius' trial see Dio 66.16.4.
- 82 The revolt of Saturninus in 89 does not appear to have resulted in any wave of prosecutions, see p. 130. Dio 67.13.3–4 reports a conspiracy by Juventius Celsus under the year 91, but who informed against him is unknown. There is little information concerning a conspiracy in 87 other than an entry in the record of the Arval Brethren dated 22 September 87, referring to sacrifices made *ob detecta scelera nefariorum*; see Waters 1964: 72; Jones 1992: 182. The case of Mettius Pompusianus sounds suspiciously like one conspiring to revolution, but the facts of the case, let alone the accuser, are completely lost, see Dio 67.12.2–4.
- 83 For rumors concerning the eastern provinces see Plin. *Ep.* 9.13.11; for Nerva's humiliation see Dio 68.3.3–4.

8 EPILOGUE: CONTINUITY AND CHANGE

- 1 The situation was surely akin in some sense to that in modern corporations – or even modern universities – where limits on free expression or criticism are implicitly imposed for fear of reprisals that could potentially jeopardize one's career and livelihood. This is by no means a disingenuous or tendentious observation. To criticize one's boss (or princeps) is to put oneself at risk, whether one is a corporate careerist or a Roman senator, although the potential for real harm under the Principate was occasionally – but not always – more acute.
- 2 Also see e.g. Hor. *Carm.* 2.1; Tac. *Hist.* 1.1; Plin. *Ep.* 5.8. As for the denigration of Nerva's and Trajan's predecessor in the *Agricola*, this was arguably *de rigueur*, intended to build up the sitting princeps. And given that Tacitus' praise of Nerva and Trajan could reflect something of the *gliscens adulatio* he criticizes in the *Annales*, his positive assessment and claims of *libertas* after 96 are suspect (as are Pliny's).
- 3 And we may well wonder still more how Publicius Certus, whom Pliny possibly charged with *maiestas*, might have portrayed the period; see Bauman 1974: 169 citing Dio 68.1.2; Plin. *Ep.* 9.13.2.
- 4 See Rutledge 1999: 560–6.
- 5 Enmity is clearly at work in Tacitus' hatred of Domitian and the other *principes*, see e.g. *Agr.* 42–3; that enmity is driven, in part, by *pietas* towards his father-in-law, *Agricola*, and, in his historical works, towards his senatorial brethren; desire for fame was a given for one writing history, see Sall. *Cat.* 3.1–2; *fides* towards his patron is evident in his (ostensible) praise of Nerva and Trajan, see *Hist.* 1.4.4; *Agr.* 3.1.
- 6 The statistics will not support such a view either. A glance at the prosecutions in Appendix 1 yield a count of approximately fifty instances where one could argue that the merits of the case are dubious in which the defendant is executed or driven to suicide. The number is surely much lower. Yet even if we accept that number and multiply it by three (a random number and certainly in error since we likely have on record all the most sensational cases of the Early Principate), we are still left with a body count of about 150 in an eighty-two year period as a result of *delatio*. That is scarcely a democracy – but it is also a number not up to snuff for even a minor modern dictatorship.

APPENDIX 2: THE PUNISHMENT OF *DELATORES*

- 1 For a detailed discussion of *calumnia*, see Robinson 1995: 99–101; Mommsen 1899: 490–8.
- 2 See *Dig.* 48.16.1, 3; see Caminas 1990: 123 for discussion.
- 3 For the *lex Remmia* see *Cic. Rosc. Am.* 55; *Dig.* 48.16.1.2; for discussion see Smith 1951: 176 (who argues that the law was in part an attempt by Sulla to crack down on frivolous *maiestas* prosecutions); Caminas 1990: 120.
- 4 *Dig.* 48.16.1; the provisions against *tergiversatio* appear to have been extended under the SC *Turpillianum* in 61; for *praevaricatio* see Mommsen 1899: 501–3.
- 5 It must have been relatively late that informers came to be classified as *calumniatores* in their own right, when to make an accusation except where one had some sort of interest was considered venal, see *Dig.* 48.16.13.
- 6 For the stipulations by which an accuser could be understood to have ceased prosecuting his case see *Paul. Sent.* 1.6b.1a–1d. Serenus the Younger was technically guilty of *tergiversatio* (see *Dig.* 48.16.1 *pr.*; he would have been subject to penalty under the *lex Remmia*, see *Dig.* 48.16.1.2), but he does not appear to have faced any charges for this. Prosecution under the *lex Remmia* appears to have been at the discretion of the judge, *Dig.* 48.16.1.3; the legislation was codified under the SC *Turpillianum*.
- 7 *Dig.* 48.2.4; similarly, it was Macer's opinion that those who take money to bring (or not to bring) an accusation should be barred from accusing, *Dig.* 48.2.8. For violations of the *lex Cincia* in particular, see pp. 43–4.
- 8 *Dig.* 48.8.1; for *calumnia* for false evidence see *Paul. Sent.* 1.6b.1e; for detailed discussion see Evans 1979: 198–202.
- 9 *Dig.* 48.16.1.13; cf. *Dig.* 48.16.15; persons fall under the SC *Turpillianum* who have suborned accusers, or made accusations after having been suborned and have not carried through proceedings against those charged, or have dropped the accusation.
- 10 *Dig.* 48.16.15. For the SC *Turpillianum* see *Dig.* 48.16 *passim*; for discussion and analysis see Fanizza 1988: 43–91; cf. Caminas 1990: 126 for the SC *Turpillianum* esp. concerning *tergiversatio*.
- 11 *Dig.* 48.2.8; cf. 48.2.4. It appears, conversely, that anyone who accepted money for dropping a charge was subject to *interdictio* and or *relegatio*. See e.g. *Tac. Ann.* 6.30.1.
- 12 See *Dio* 59.15.5, where sums are confiscated from Domitius Corbulo for accusations he conducted under Gaius against corrupt road commissioners.
- 13 Fanizza's study of *delatores* – a central focus of which is this very decree – has given this SC a closer look than any other study to date, and has gathered up and discussed all passages from the *Digest* relating to this decree.
- 14 Bauman 1974: 192–3 citing Mommsen 1899: 496 n. 2; cf. 491 for punishment of *delatores* in general.
- 15 The emperor Otho had simply skirted the problem: acting with an eye on *delatores* in his last hours, he destroyed all correspondence with outspoken support of himself or criticism of Vitellius, see *Tac. Hist.* 2.48.1.
- 16 *Tac. Hist.* 4.40.3; see MacMullen 1966: 55; Birley 1962: 198–9.
- 17 *Tac. Hist.* 4.41.2; for Vocola, Cestius, and Paccius, and their punishments, see their *vitae* in Part II; cf. p. 125 for this episode.
- 18 See *Tac. Hist.* 4.42–4 for the two meetings; for Eprius' speech see *Tac. Hist.* 4.8.1–4.
- 19 In 79 according to *Dio* 66.19.3; see Fanizza 1988: 37 for discussion.
- 20 *Suet. Dom.* 9.3; cf. *Dio* 67.1.4. Domitian was reportedly prone to mete out punishments to *delatores* despite their “support,” see *Dio* 67.1.3; cf. *Juv.* 4.73; Jones 1992: 29 for discussion.

- 21 As Shotter 1983: 217–19 has noted, Nerva's suppression of delation, punishment of *delatores*, and check on "reprisal" accusations is probably celebrated in his coin issues which advertise AEQVITAS AVGVST and IVSTITIA AVGVST.
- 22 Something Pliny suppresses, see Bartsch 1994: 183.
- 23 The punishment of unpopular *delatores* could also serve to win an unpopular emperor favorable support; see Tac. Ann. 3.36.4; 3.37.2.

APPENDIX 3: INFORMANTS AND CONSPIRACY IN THE REPUBLIC

- 1 For recent discussion on the sources of early Roman history, see Cornell 1995: 1–26.
- 2 The details of the plot are found in Livy 2.5; Plut. *Publ.* 4–7. For a discussion of the historical background to this quasi-mythical king, see Cornell 1995: 215–30. For commentary see Ogilvie 1965: 241–7 for the possible origins of the story of the conspiracy to recall the Tarquins.
- 3 For the role of slaves in this episode see Schumacher 1982: 46–55.
- 4 On the rewards of money and liberty for slaves see David 1986: 71–87.
- 5 Both Plutarch and Dionysius add the detail that the slave did not go to the consul, but to P. Valerius Publicola (Plut. *Publ.* 6; Dion. Hal. *Ant. Rom.* 12.1.14), a private citizen, but one with great *auctoritas*, and that Publicola had Vindicius held in detention while he corroborated his story. Collatinus (a relation of the Tarquins), reports Plutarch, was going to surrender Vindicius back to his people, something Valerius stepped in to prohibit. Also see *schol. ad Juv.* 8.266, who refers to Vindicius as a *delator*, a label which Livy and those before him would not have thought to apply.
- 6 For the pertinent parallels see Cic. *Cat.* 3.10; Sall. *Cat.* 44–5, discussed by Ogilvie 1965: 243.
- 7 The whole story is related in Livy 4.13–15 and Dion. Hal. *Ant. Rom.* 12.1–4. For the problems in the chronology and dating of this story see Ogilvie 1965: 550.
- 8 Livy 4.13.8; for commentary see Ogilvie 1965: 550. He also notes that in earlier versions of this story none of the major players has any official standing (citing Cincius fr. 6; Piso fr. 24). Minucius' own name may be suspect for an informer (cf. the Greek *menytes*). For the problems of Minucius' status and office see Ogilvie 1965: 551. For discussion of the history of the *praefectus* and the relationship of the office to the oversight of *annona* see Ogilvie 1965: 552, citing Cic. *Har.* 43 and Mommsen 1887: 2.670–2.
- 9 Livy 4.15.8 also tells us that his house was destroyed and all his fortunes turned over for public auction to be deposited in the public treasury. Cf. Cic. *Dom.* 101; Dion. Hal. *Ant. Rom.* 12.4.6; Pliny *Nat.* 18.15. The area of Maelius' demolished house was cleared and known as the *Aequimaelium*, as a reminder of the failed plot, Livy 4.16.1. Dionysius (*Ant. Rom.* 12.4.2) tells us that there were variations on the tradition of his execution by L. Cincius Alimentus and L. Calpurnius Piso Frugi. For a slightly altered version of the story see Dion. Hal. *Ant. Rom.* 12.2.1: Minucius took the information to the consuls, who then ordered Maelius and Minucius to appear together before the senate and *equites* on the Capitol early the next morning, enjoining Minucius to bring the informant and the evidence before the tribunal.
- 10 Dionysius reports the honor of a statue, *Ant. Rom.* 12.4.6.
- 11 Minucius, Dionysius tells us (*Ant. Rom.* 12.1.12), calculated that there were so many involved in Maelius' plans that there was bound to be one who was neither wholly loyal or who could be bought or threatened.

- 12 For the role of slaves in uncovering this plot, see Schumacher 1982: 56–61. A similar plot was hatched in 194 by Q. Pleminius, who was thrown into prison for crimes against the Locrians during the Second Punic War; he plotted to burn parts of the city and escape in the ensuing confusion (Livy 34.44.6–8), but his accomplices betrayed him and he was executed.
- 13 The plot is related by Livy 32.26.4–8. For discussion of this passage see Briscoe 1989: 216. For slave revolts in general see Capozza 1966: *passim*, esp. 101–20. A problem is presented concerning whether it was the hostages themselves or the slaves who conspired. See Briscoe 1989: 216–17 for discussion (noting Lentulus is an error for Merula).
- 14 There is a problem with the payment, however; see Briscoe 1989: 217–18. What little we know of slaves as informants in Rome at this time likely reflects a much larger phenomenon, especially given what appears to have been a system in which liberty (for slaves) and rewards were disbursed. In instances such as these, it must have been the case that granting slaves liberty, as Nippel points out, meant interference with the property rights of slave-owners who likely had no connection with the case. If this was the situation, the slave owners would be compensated by the state; see Nippel 1995: 28; Livy 32.26.14. It is not surprising, given the large slave population, that despite the law which prohibited slaves from denouncing their masters, as during the Empire, there was frequent suspension of the rule if the threat was considered serious enough. For the law that slaves could not give evidence against their masters (in the Republic), see Cic. *Deiot.* 3. For discussion see Liebs 1980: 147–89. Nippel notes that the suspension of this law has parallels in Athens as well (citing the profanation of the Mysteries and mutilation of the Herms in 415 [Thuc. 6.27.2; Andoc. 1.11–33], and a Thasian decree concerning rewards for informers during a conspiracy in the late fifth century [ML no. 83]). Later, under the Empire, slaves would lay information against their masters to the city praefect, see Bellen 1971: 64–78.
- 15 Added weight is given to Livy's veracity by a well-attested link between the family of the consul, Postumius, and the informer, Aebutius, subsequent to the conspiracy; the Aebutii, having gone into decline in the fifth century, emerge in the second with strength and vigor; for discussion see Bauman 1990: 345–6, citing MRR 2.525; Livy 1.10–11. The conspiracy is related in Livy 39.8–19; for women as informers see p. 35. For discussion of Hispala's role as *index* see David 1986: 73–4, 76, 81–4.
- 16 Livy 39.17–18. The wording of the decree is worth recounting (39.17.1): "Then they ordered the senate's decrees to be read, and they offered rewards to any informant who brought forward or denounced to them anyone *in absentia* involved in the plot," *Recitari deinde senatus consulta iusserunt indicique praemium proposuerunt si quis quem ad se deduxisset nomenve absentis detulisset*. The *quaestio* was published by the consuls and stipulated that if anyone who had been denounced escaped, the day for a trial would be fixed all the same and they would be condemned *in absentia*. The danger was widespread throughout Italy, and measures were taken to suppress it throughout the peninsula. For the decree see CIL 1.596 = Dessau ILS 18. For discussions of the decree see Fraenkel 1932: 369–96; Gelzer 1936: 275–87; Dihle 1962: 376–9; McDonald 1944: 11–33; Pailler 1988: 151–93. For Postumius' speech and the decree see G. Méautis 1940: 476–85; Bauman 1990: 334–48; Schumacher 1982: 42–3.
- 17 He appears to have made an attempt at revolution even prior to this. For the first conspiracy of Catiline and the problems in this murky episode see Ramsey 1984: 237–9.
- 18 See App. BC 2.3; Florus 2.12.6; Sall. *Cat.* 23.3 and Plut. *Cic.* 16.3 (who says Fulvia was a woman of high rank). Ramsey 1984: 131 argues that Fulvia could have been related to M. Fulvius Nobilior, one of the conspirators (Sall. *Cat.* 17.4), or another

- Fulvius who joined the conspiracy (citing Sall. *Cat.* 39.5); Curius had been expelled from the senate for immorality in the census of 70 BC (Ramsey citing Sall. *Cat.* 23.1). He is possibly the ex-quaestor in Asconius (p. 93 Clark); for details of his career see Marshall 1978: 207–9.
- 19 For Cicero's exploitation of the people's anxiety see in *Toga Cand.* (Asc. p. 82 Clark); cf. Ramsey 1984: 132 citing Sall. *Cat.* 23.3; App. BC 2.2; Plut. *Cic.* 11.2.
 - 20 Sall. *Cat.* 29–30; from where did Crassus get these letters? The very fact that he produced them was to cast suspicion on him, which he reportedly resented (Plut. *Crass.* 13.2–4).
 - 21 Sall. *Cat.* 30.6; cf. 36.5. The rewards were offered under a proviso of the *lex Plautia*; see Schumacher 1982: 65–9; Alexander 1985: 30; the sum is huge for the time; see Ramsey 1984: 148; cf. *Cic. Cat.* 3.8; Sall. *Cat.* 47.1, 48.3–4; Dio 37.41.2.
 - 22 Sall. *Cat.* 28.1; *Cic. Sul.* 18, 52; *Cat.* 1.9–10; Plut. *Cic.* 16.2; App. BC 2.3; Dio 37.32.4.
 - 23 *Cic. Cat.* 3.8; Plut. *Cic.* 18. Cicero was well pleased and praised the Allobroges as the *maximarum rerum verrissimi indices*, *Cic. Sul.* 17.
 - 24 *Cic. Cat.* 3.8, 21; Sall. *Cat.* 46.6 (who says the Gauls were with Volturcius).
 - 25 Dio 37.34; the scene of the interrogation is recalled in *Cic. Sul.* 41–2, in which the *indices* were led into the senate and their accounts written down by four men of senatorial rank (cf. *Cic. Sest.* 145); see Berry 1996: 217 and 216–21 for general discussion, who notes that such evidence once documented (called *commentarii*) was treated as *tabulae publicae* but deposited at the magistrate's house, not the *aerarium*. Berry notes that Cicero published his *commentarii* to avoid the charge of falsification, citing Mommsen 1887: 3.1015–17; 1899: 512–20; Berry also notes that the measures Cicero took to avoid charges that he had falsified these *commentarii* were indeed unusual. Cicero indicates elsewhere (*Sul.* 42) that for private individuals to keep such records in their own residence was customary (*mos maiorum*).
 - 26 See Sall. *Cat.* 47; *Cic. Cat.* 3 *passim* for the arrest and detention of the conspirators.
 - 27 The episode of L. Tarquinius is presented in Sall. *Cat.* 48–9; Dio 37.35–6, although their chronology of this episode is irreconcilable.
 - 28 Suet. *Jul.* 17; some texts read *quaestor* for *quaesitor*.
 - 29 Vettius was L. Vettius, son of an *eques* (Oros. 6.6.7) an officer of Pompeius Strabo's at Asculum in 89; for Vettius' origins see Criniti 1970: 128–31. For discussion of Vettius' role here as *index* see David 1986: 73–85; for Vettius in general see McDermott 1949: 351–67; Gruen 1974: 95–6, esp. nn. 38, 40 (for all the ancient references); cf. 249, 286–7; Alexander 1990: 120.
 - 30 Suet. *Jul.* 17; for Vettius see Dio 37.41 (where Caesar is not mentioned).
 - 31 See Suet. *Jul.* 17. Caesar was able to refute Curius' and Vettius' charges by citing Cicero's favorable testimony.

APPENDIX 4: INFORMANTS, PROSECUTORS, AND THE PROSCRIPTIONS

- 1 App. BC 1.71. Appian uses the word *zetetai*. For discussion of the *dominatio* of Cinna, see Bulst 1964: 307–37.
- 2 Keaveney 1982: 153, citing Oros. 5.21.3; *Cic. Clu.* 161; Plut. *Sert.* 6.3–5, *Pomp.* 10.1; see also *Cic. Rosc. Am.* 90; cf. *Fam.* 13.5.2–3.
- 3 For C. Erucius see Alexander 1990: 66–7 citing *Cic. Off.* 2.51; *Brut.* 312; *Orat.* 107; *Quint. Inst.* 12.6.4; Plut. *Cic.* 3.2–4; *Gel.* 15.28; *Vir. Ill.* 81.2. Erucius may have had a real case against the defendant; see Kinsey 1985: 188–96.

- 4 See Keaveney 1982: 148–68 for discussion of the chronology and course of the Sullan proscriptions.
- 5 Cato later prosecuted those who made a profit from the proscriptions, see *Plut. Cat. Min.* 17.5.
- 6 *App. BC* 1.95–6; *Cic. Rosc. Am.* 125–6; *Ver.* 3.81–2; *Off.* 1.43; 2.29; *Quinct.* 76; *Sall. Hist. (fr.)* 1.49; *Plut. Sull.* 31.8.
- 7 *Cic. Rosc. Am. passim*; *Plut. Cic.* 3. See Keaveney 1982: 151 for discussion.
- 8 The numbers are given by Appian *BC* 1.103 as 90 senators, 15 consulars, and 2,600 *equites*. Though see now for a detailed listing of the proscribed Hinard 1985.
- 9 *Vell. Pat.* 2.19.1; *Val. Max.* 6.5.7; *Plut. Sull.* 10.2; for the “search and destroy” operations see *App. BC* 1.57–60; *Livy Per.* 77.
- 10 For slaves in the Sullan proscriptions see e.g. *Cic. Rab. Perd.* 16. For discussion see Schumacher 1982: 92–103.
- 11 *Suet. Jul.* 1.2; cf. *App. BC* 4.39 and the case of Acilius during the proscriptions of the second triumvirate.
- 12 *Cic. Quinct.* 97; Alexander 1990: 63.
- 13 See *Val. Max.* 9.11.5–7 (in which individuals – wives, sons, and clients – betray the most sacred of trusts); cf. *App. BC* 4.7. *Vell. Pat.* 2.67.1–3 says that, when it came to denouncing the proscribed, even the most sacred ties were broken. As Woodman 1983: 154 notes, Velleius probably reflects the reality of the situation, but the breaking of family bonds, as Woodman points out, is standard material for the rhetorical schools.
- 14 See also *App. BC* 4.11: The rewards for denunciations were 25,000 Attic drachmas for free men, 10,000 for slaves, plus their freedom and their master’s right of citizenship. *Dio* 47.5.3–4 gives an idea of the fear to which the second proscriptions under Octavian and Antony gave rise. Everyone was regarded as a potential threat, even friends, in light of the rewards offered; cf. *Dio* 47.6.3–5, in which rewards prove a great incentive for denunciation and murder.
- 15 *App. BC* 4.13–15. For son against father see *App. BC* 4.95; for the settling of a political grudge see *App. BC* 4.20; for individual cases involving slaves betraying their masters see *App. BC* 4.29; 4.43; 4.47; for betrayal of a patron by a client see *App. BC* 4.26; cf. *App. BC* 4.95–6.
- 16 *App. BC* 5.132; for a defense of Octavian’s role in the proscriptions see *Dio* 47.7.3–5; 47.9.1.

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